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MEMORIAL ADDRESSES

LIFE AND CHARACTER

OF

MATTHEW H. CARPENTER

JANUARY 26TH 1882.

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UNITED STATES OF AMERICA.

Matt. H. Carpenter

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UNDER THE DIRECTION OF

MEMORIAL ADDRESSES

ON THE

LIFE AND CHARACTER

OF

MATTHEW H. CARPENTER

(A SENATOR FROM WISCONSIN),

DELIVERED IN THE

SENATE AND HOUSE OF REPRESENTATIVES,

FORTY-SEVENTH CONGRESS, FIRST SESSION,

JANUARY 26, 1882,

WITH

THE PROCEEDINGS CONNECTED WITH THE FUNERAL OF THE DECEASED.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1882.

JOINT RESOLUTION to print certain eulogies delivered in Congress upon the late Fernando Wood, Matt. H. Carpenter, and Ambrose E. Burnside.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed twelve thousand copies respectively of the eulogies delivered in Congress upon the late Fernando Wood, a Representative from the State of New York; Matt. H. Carpenter, a Senator from the State of Wisconsin, and Ambrose E. Burnside, a Senator from the State of Rhode Island, of each of which four thousand shall be for the Senate and eight thousand for the use of the House of Representatives; and the Secretary of the Treasury be, and he is hereby, directed to have printed portraits of the three above named Messrs. Wood, Carpenter, and Burnside to accompany their respective eulogies; and for the purpose of defraying the expense of engraving and printing the said portraits the sum of fifteen hundred dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Approved February 15, 1882.

ANNOUNCEMENT

OF THE

DEATH OF MATTHEW H. CARPENTER,

A SENATOR FROM WISCONSIN.

IN THE SENATE OF THE UNITED STATES,

Tuesday, February 24, 1881.

The Chaplain, Rev. J. J. BULLOCK, D. D., offered the following

PRAYER:

Almighty God, our Heavenly Father, we adore Thee as the King eternal, immortal, and invisible, in whom we live and move and have our being, upon whom we are dependent for life and for all its blessings, and to whom we are responsible for all that we do.

We thank Thee, O God, for Thy great goodness and mercy to us, especially for Thy preservation of us during the past night, and for the light and blessings of this new day. We commit ourselves to Thy guidance and protection. Preserve us from all evil, and bestow upon us every needed blessing.

Bless, we beseech Thee, our beloved country; defend and deliver us from the dangers to which we are exposed, from ignorance and superstition, from infidelity and licentiousness. May we long be a united and happy people, a people who fear God and love righteousness. Bless, we pray Thee, our rulers, the President, the Vice-President, the Senators and Representatives in Congress, and all who are in authority. May they rule in the fear of God and for the good of the people.

Most merciful God, it hath pleased Thee in Thine inscrutable providence to remove by the hand of death one of the members of this body from the scene of his labors here; and now we pray that Thou wouldst look in tender compassion upon his bereaved family; comfort and sustain them in this hour of their sore trial, and wilt Thou enable those of us who remain to make a suitable improvement of this solemn dispensation of Thy providence. May we be sensibly reminded of the shortness and uncertainty of life and of the importance of being ever prepared for our departure, for we know neither the day nor the hour when we shall be called hence.

We commit ourselves and all that are dear to us to Thy Fatherly care. Be with us in all the trials and changes of life, and prepare us for the last sad change that awaits us upon earth, and finally receive us into Thy Kingdom above; we ask for Christ our Redeemer's sake. Amen.

Mr. CAMERON, of Wisconsin. I rise, Mr. President, to announce to the Senate the death of my late colleague, MATTHEW H. CARPENTER. Mr. CARPENTER died at the residence of his family, in this city, at twenty-five minutes after nine o'clock this morning.

At some convenient time hereafter the Senate will be asked to consider resolutions commemorative of his life and public services. Before offering the resolutions which I hold in my hand, I desire to express the sorrow that I feel personally at the death of my colleague and friend. I desire also to express in some slight degree the profound sorrow that the people of Wisconsin will feel at the death of their most gifted and distinguished representative.

I offer, sir, the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. MATTHEW H. CARPENTER, late a Senator from the State of Wisconsin.

Resolved, That a committee of five Senators be appointed by the Vice-President to take order for superintending the funeral of Mr. CARPENTER; and

that as a mark of respect entertained by the Senate for his memory, his remains be removed from Washington to Milwaukee, Wisconsin, in charge of the Sergeant-at-Arms and attended by said committee, who shall have full power to carry this resolution into effect.

Resolved, That the Secretary of the Senate communicate the foregoing resolutions to the House of Representatives.

Resolved, That, as an additional mark of respect to the memory of Mr. CARPENTER, the Senate do now adjourn.

Mr. PENDLETON. Mr. President, I am sure that every member of the Senate has received with deep sensibility the notice that is given to us of the death of Mr. CARPENTER, and that each one shares very deeply and very largely in the sentiment of sorrow expressed by his colleague. I therefore second the resolutions.

The Vice-President appointed as the committee on the part of the Senate under the resolution of the 24th instant, for superintending the funeral of the late Senator MATTHEW H. CARPENTER, Mr. Cameron, of Wisconsin, Mr. Conkling, Mr. Logan, Mr. Pendleton, and Mr. Cockrell.

The resolutions were agreed to unanimously; and (at eleven o'clock and sixteen minutes a. m.) the Senate adjourned.

ADDRESSES

ON THE

DEATH OF MATTHEW H. CARPENTER,

A SENATOR FROM WISCONSIN.

DELIVERED IN THE SENATE,
Wednesday, January 25, 1882.

Mr. CAMERON, of Wisconsin. Mr. President, pursuant to notice heretofore given by me, I offer the resolutions which I send to the Secretary's desk. I ask that they be read and considered at this time.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Acting Secretary read as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. MATTHEW H. CARPENTER, late a Senator from the State of Wisconsin, and extends to his afflicted family sincere sympathy and condolence in their bereavement.

Resolved, That, as an additional mark of respect to the memory of Mr. CARPENTER, the regular business of the Senate be now suspended in order that his former associates in this body may pay fitting tribute to his memory.

Resolved, That the Secretary of the Senate be directed to transmit to the family of the deceased, and also to the Governor of Wisconsin, a certified copy of these resolutions, with a statement of the action of the Senate thereon.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

Resolved, That, as a further testimonial of respect to the memory of the deceased Senator, the Senate do now adjourn.

The PRESIDING OFFICER (Mr. Saulsbury in the chair). The resolutions are before the Senate.

Address of Mr. CAMERON, of Wisconsin.

Mr. PRESIDENT: To-day Wisconsin asks the Senate to lay aside its Calendar and unite with her in paying a last sad tribute of respect to the memory of MATTHEW H. CARPENTER.

Mr. CARPENTER, by his character and public services, had endeared himself to the people of Wisconsin. When he died every citizen of the State felt that he had suffered a personal bereavement. This feeling found expression in a great popular demonstration at his funeral, in resolutions adopted by the legislature, in meetings of the bar, and in the unanimous voice of the press.

My remarks upon the resolutions now under consideration will be mainly biographic.

Mr. CARPENTER was born at Moretown, Washington County, Vermont, on the 22d day of December, 1824, and died in the city of Washington on the 24th day of February, 1881.

He was christened by his parents "Decatur Merritt Hammond," and was commonly called "Merritt" Carpenter until subsequent to his removal to Wisconsin. In 1851, after he had argued a cause in court with extraordinary learning and ability, one of his associates at the bar enthusiastically declared that the argument was worthy of Sir Matthew Hale, and that its author ought no longer to be called "Merritt" Carpenter, but should be named "Matthew Hale" Carpenter. This declaration struck the imagination of the lawyers present, and thereafter they called their eloquent young associate "Matthew Hale." So generally was the name of "Matthew Hale" applied to him that he was actually constrained to adopt it, and thus "Decatur Merritt Hammond" Carpenter, of Vermont, became "Matthew Hale" Carpenter, of Wisconsin.

Fifty years ago Paul Dillingham, now one of the venerable ex-governors of Vermont, was an influential citizen and a leading

lawyer of that State. He resided at Waterbury, Washington County, and was an acquaintance and friend of the Carpenter family. Mr. Dillingham saw young MERRITT CARPENTER when he was about three years of age, and was greatly attracted by the extraordinary physical beauty and the precocious mental development of the boy. It may be that the astute lawyer discovered in the boy of three years of age the germ of the great orator and jurist that he subsequently became. However this may be, Mr. Dillingham said to Mrs. Carpenter: "Send your son to me when he is fourteen years of age and I will make a lawyer of him."

When Merritt was five years of age he began attending the district school in his native village. So great was his mental quickness that he learned the tasks imposed upon him with little effort or study. His temperament was active and joyous. He was the leader in all boyish sports. His mother had not forgotten the promise of Mr. Dillingham to make a lawyer of her son. She was proud of her bright and handsome boy. She aided him in his studies and urged him to prepare himself for the career which she believed would open to him through the kind offices of Mr. Dillingham.

In December, 1838, when Merritt was fourteen years of age, he one day returned from school and informed his father that he had had some trouble with the schoolmaster; that the cause of the difficulty was the fact that he knew more than his teacher, but the result was that he had been turned out of school. He further stated that he had determined to go to Waterbury the next morning for the purpose of entering Mr. Dillingham's office as a law student.

The father, knowing well the positive and self-reliant character of his son, interposed no objection. On the next morning, in the midst of a Vermont winter, alone and on foot, but with cheerful confidence, he went to Waterbury, entered Mr. Dillingham's office, stated that he was fourteen years of age and had come to study

law. Mr. Dillingham was pleased with the manly bearing and address of the boy. He not only admitted him to his office as a student, but received him in his house as a member of his family.

Mr. CARPENTER continued in Mr. Dillingham's office until 1843, when he was selected as a cadet to the Military Academy at West Point. He passed the required examination, and entered the Academy. In 1845 he resigned his cadetship and resumed his legal studies.

It has been erroneously stated in the newspapers since Mr. CARPENTER'S death that his resignation was in consequence of ill-health. He was never able, even while a cadet at West Point, to divest himself of the idea implanted in his youthful mind by his mother, that he was destined to be a lawyer. He resigned, not in consequence of ill-health, but in order that he might resume his legal studies. He pursued the study of the law with great industry from 1843 to 1847, when he was admitted to the courts of Vermont.

While a law student in Vermont he heard much about the learning and eloquence of Rufus Choate; and upon his admission to the Vermont bar he determined to go to Boston and, if possible, to become a student of that great lawyer. Accordingly, in 1847, at the age of twenty-three, with an abundance of hope and enthusiasm, but with only a few dollars in his pocket, he went to Boston.

He had never seen Mr. Choate, nor had he any letter of introduction to him. He ascertained the location of his office by consulting the city directory. On the morning after his arrival he called at Mr. Choate's office and learned that he was engaged in court, but could be seen at his chambers at a certain hour after court had adjourned for the day. At the hour named Mr. CARPENTER presented himself and was shown into Mr. Choate's private room. He stated briefly who he was, where he came from, and what he wanted. So favorable an impression did he make

upon Mr. Choate that he at once received him as a student. Before Mr. Choate went to court the next morning, perhaps for the purpose of testing the training and mental capacity of his new student, he handed him a letter from a country lawyer asking his opinion upon a case stated. Mr. CARPENTER even then possessed extraordinary powers for rapid and exhaustive legal research. He worked diligently on the case, and when Mr. Choate returned in the evening handed to him the result of his examination in the shape of a carefully prepared opinion. Mr. Choate read the opinion, and, without changing a word, said: "I guess I can sign 'R. Choate' to that, and ask my correspondent to send me a hundred dollars," which he accordingly did.

Mr. CARPENTER remained in Mr. Choate's office for upward of a year. He was then admitted to the Massachusetts courts, and in 1848 removed to Beloit, Wisconsin. He took his law library with him, which consisted only of the Massachusetts Reports and a few elementary books. Soon after he went to Wisconsin he was attacked with a painful and dangerous disease of the eyes. He went to New York for treatment, and remained there until September, 1850, when he returned to Beloit, and formed a partnership with Mr. Cheeney, then a leading lawyer at that bar. This partnership was not dissolved until the spring of 1856, when Mr. Cheeney retired from practice.

Mr. CARPENTER was district attorney of Rock County for one term of two years, commencing January, 1856. He never held any other office until he was elected to the Senate of the United States in January, 1869. Before 1856 he had acquired a local reputation as an industrious, painstaking, eloquent, and able young lawyer. He first gained a State reputation by his argument in the *quo warranto* case against Governor Barstow. This was a remarkable case. Barstow had been governor for two years, and was the Democratic candidate for re-election. He was "counted in" by

the Democratic board of State canvassers, and was inaugurated with great pomp and an unusual display of military force.

Bashford, the Republican candidate, claimed that a majority of votes had been cast for him, and that the "supplemental returns" upon which Barstow had been "counted in" were fraudulent. The action brought by Bashford, the Republican claimant, to get possession of the office of governor was the first instance in American history where the people of a State resorted to the courts to dispossess a *de facto* governor in the actual possession of the executive office. The interest taken by the people of Wisconsin in the case corresponded with the gravity of the principles and the magnitude of the results involved. The late Chief-Justice Ryan, James H. Knowlton, and Timothy O. Howe were counsel for Bashford, the relator. Jonathan E. Arnold, Harlow S. Orton, and Mr. CARPENTER were counsel for Barstow, the respondent. It has been lately said that Mr. CARPENTER was the leading counsel for Barstow. That distinction must, however, be accorded to Mr. Arnold, who then stood at the head of the Wisconsin bar. Mr. CARPENTER was Barstow's junior counsel. He made only one argument in the case. This argument was read from manuscript. It was learned, plausible, and ingenious. It failed to convince the court, but it placed its author in the front rank of Wisconsin lawyers.

Mr. CARPENTER'S early political affiliations were with the Democratic party. He adhered to that party long after he became a resident of Wisconsin. He supported Pierce in 1852, and Buchanan in 1856. He was an ardent and enthusiastic friend and supporter of Douglas in 1860. After the war began, in 1861, although still claiming to be a Democrat, he gave a hearty support to Mr. Lincoln's administration.

In September, 1862, the Democratic party of Wisconsin held a State convention and adopted an address, famous in the political history of that State, known as the "Ryan address."

A numerous and influential faction of the Democratic party, then called War Democrats, took ground against the doctrines of this address. In 1863 Mr. CARPENTER united with other leading Democrats in a call for a mass convention of War Democrats. The convention was held at Janesville, and was largely attended. Mr. CARPENTER was the leading spirit, and made the principal speech. An address to the Democrats of the State was adopted, urging them to support the administration of Mr. Lincoln in all its efforts for the suppression of the rebellion, and advising a union of all citizens in favor of "conquering a peace," without regard to previous political associations.

The Republican State convention was held soon afterward, and responded to the recommendations of the Janesville address by nominating a Union ticket, composed of Republicans and War Democrats.

The canvass that followed was very earnest and spirited. Mr. CARPENTER actively participated in it. The Union ticket was elected by an overwhelming majority.

From the day that Fort Sumter was fired upon until the surrender at Appomattox Mr. CARPENTER with voice and pen gave earnest support to the Union cause. No other man did more, perhaps no other man did as much as he, to rouse and intensify the Union sentiment and the military spirit of the people of Wisconsin. Illustrative of his power and influence, I will venture to relate an incident:

At one time during the war quite a large number of the foreign-born citizens of the State residing in one of the interior counties, in consequence of drafts and taxes, became discouraged with the prospects of the country, and after consultation among themselves determined to return to Europe. At this juncture Mr. CARPENTER was sent for. He went where those dissatisfied and discouraged men had met together. He mounted a dry-goods box in the street,

and for two hours addressed the people there assembled. For a few moments after his remarkable speech was concluded profound stillness, like that which immediately precedes the tornado or the earthquake, prevailed. Then a great shout was heard, and the men who had determined to abandon their adopted country in its hour of darkness and peril, swayed by Mr. CARPENTER'S eloquence, at once enlisted in the military service and thereafter fought the battles of the Union with zeal and fidelity.

For some years after the war Mr. CARPENTER kept out of politics and devoted himself with great industry to his large and rapidly-increasing law practice.

A banquet was given to General Sherman at Janesville in 1866. Mr. CARPENTER was one of the guests, and responded to a toast which involved the Republican plan for reconstructing the States then lately in insurrection. His speech was strong, eloquent, witty, profound, and statesmanlike. In this speech he took advanced ground on many of the political questions that had arisen out of the war, and made an especially able argument in favor of conferring the right of suffrage upon the then lately enfranchised race. He declared with much emphasis that the newly-acquired rights of the freedmen could be preserved only by placing the ballot in their hands.

Mr. CARPENTER was a brilliant advocate. He was more than this. He was a profound and learned lawyer. His learning was not confined to one branch of the law. He was equally ready and equally admirable in every branch. His industry was extraordinary and his capacity for labor was really phenomenal.

He became a member of the Senate on the 4th of March, 1869. Here he served no period of pupilage. On the 17th of March, only thirteen days after the commencement of his term, he made an able and elaborate speech on the bill to repeal the civil-tenure act. He was prominent in all the great debates during his eight

years of service in the Senate. He defended his own convictions with earnestness and firmness, but no bitterness was ever mingled with his logic or his eloquence. He possessed such real good nature and such genuine kindness that he could overthrow and vanquish an opponent without leaving a sting behind.

About a year before his death he was advised by his physicians that he would probably die within a few months. He then carefully studied his disease, and satisfied himself that the opinion given by his physicians was correct. With the black shadow of death hanging over him, he continued faithfully, and even with cheerfulness, to do his work. His obligations to his numerous clients were carefully and conscientiously performed, while no duty in the Senate was neglected.

By section 1814 of the Revised Statutes, the President is authorized to invite all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof and illustrious for their historic renown, or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration; and when so furnished the same shall be placed in the old Hall of the House of Representatives.

Maine has sent William King; Massachusetts has sent John Winthrop and Samuel Adams; Vermont has contributed Ethan Allen and Jacob Collamer; Rhode Island has sent Roger Williams and Nathanial Greene; Connecticut, Jonathan Trumbull and Roger Sherman; New York, Robert R. Livingston and George Clinton; Virginia, George Washington and Thomas Jefferson; and the statue of the eloquent and gallant Edward D. Baker was contributed to this "noble galaxy" by a far-off State whose shores are laved by the waves of the Pacific sea.

I trust that Wisconsin, in her own good time, will contribute a statue in enduring bronze or marble of our departed friend,

MATTHEW HALE CARPENTER, and that the same will be placed in that noble and historic Hall, which in the "brave days of old" resounded with the glowing eloquence of Clay, the ponderous arguments of Webster, the acute and subtle logic of Calhoun, and the gorgeous rhetoric of Choate.

Address of Mr. GARLAND, of Arkansas.

Nearly a year has elapsed, Mr. President, since the clear, ringing voice and the charming language of Mr. CARPENTER were heard in this Chamber; yet those of us who were associated with him here have not become used to his absence. We cannot even now fully realize that his name has passed from the roll of living, acting men, as gently and noiselessly as the sunlight departs from the hills. Indeed, for so long a time before he was struck down did he fill such a place in the public view, the chasm his death created is not soon to close or soon to be filled.

It is now not quite seventeen years since I first met Mr. CARPENTER, then young, joyful, buoyant, just beginning to rise before the popular gaze. He was then the very picture of health and bodily vigor, and gave more promise of a long life than any of the large crowd assembled in the Supreme Court room, where he was. It was then he argued before that court the Lawyers' test-oath case, reported in the fourth volume of Wallace's Reports. That argument brought him fresh praise from all quarters and new laurels as well. From that time till his death, a short period indeed, his course was onward and upward; and yet a young man, he had won the triumphs that usually belong to much older ones, and in truth his career of honor closed when most men who achieve fame begin. While he was looking into the red of the morning the evening had grown around him, and the night came and gathered him in its folds.

From the time I have referred to till he turned his pale face to the wall there was between him and myself a sincere friendship, and in more than one instance did he certify to that in substantial and valuable acts, and on more than one occasion did he serve in her troubles the State that honors me with a seat here, and the people of that State have a kind and tender remembrance of Mr. CARPENTER, which will not be dimmed with the coming and going of the years.

Mr. CARPENTER was usually called a bright, a brilliant man; he was that, and more than that. With talent, with genius, he did not rely solely upon them, but he went back and gathered up the thoughts of the masters of the past, and these he read by day and studied by night, and stopped not short of the very fountains to drink of knowledge. While he was quick and bright, he was also cultivated, solid, and logical, and the weapons with which he was equipped for the battle of life were sharp and strong and of ethereal temper, and with them he won a fame that will shine like a star above his grave. As Cicero said of Mucius Scævola, so it may be said of Mr. CARPENTER—he was the most eloquent among lawyers, and the best lawyer among men of eloquence.

The truth is, the demands in his profession and in public affairs upon Mr. CARPENTER's time and energies burdened him beyond endurance, and he sank beneath their exactions. But amid all these, when the enemy was approaching and it was certain his hand would not be stayed, he bore up with that genuine good humor and flow of spirits that characterized him in health, with no complaints, no murmurs. Kind and genial, I believe he was the enemy of no one. He was devoted to duty, whatever that was and wherever it called him; and no one who witnessed his struggles against the inevitable in meeting the demands of duty could but be reminded of the Japanese fable, where the beautiful night moth sends those moths enamored of her to bring her fire till they fall victims to the flames.

In cursory reading some little while ago, Mr. President, I found a short sentence, said to have been his production, which gives forth in plaintive language his view of this thing we call life. I will read it:

> The loves and friendships of individuals partaking of the frail character of human life may be shortly summed up: A little loving and a good deal of sorrowing; some bright hopes and many bitter disappointments; some gorgeous Thursdays, when the skies are bright and the heavens blue, when Providence, bending over us in blessing, glads the heart almost to madness; many dismal Fridays, when the smoke of torment beclouds the mind and undying sorrows gnaw upon the heart; some high ambitions and many Waterloo defeats, until the heart becomes like a charnel-house, filled with dead affections, embalmed in holy but sorrowful memories; and then the cord is loosened, the golden bowl is broken, the individual life—a cloud, a vapor—passeth away.

Probably this was the inspiration of one of those moments of sadness that at times come to us all. But it is a faithful summary at last. He had seen and felt all that he said. Still his life, with its share of trials and crosses, was a success and is full of good example, stimulating lessons, and noble encouragement to the young men of the land. Born and reared with no wealth, with no previous family name or prestige to rest upon, alone with his own great mind and energies, he arose from the very groundwork of society, and became one of the wonderful men of this wonderful age and of this wonderful country.

It is needless for me to speak of his public services. The Senator who has just spoken, once his colleague on this floor, has given them to us well and aptly. They are of record all round and about us and are now a part of the nation's valued property. His loss to his country is great, to his friends and family beyond estimate, but to all let the hope come that the tear-drop of sorrow that is shed to-day will be caught up and made to glow and sparkle in the rainbow of promise of to-morrow, without which hope life's burdens and charges would be unbearable. And let friends and family all know that his name and fame will be treasured tenderly in the land and "that his memorial shall not depart away."

Address of Mr. LOGAN, of Illinois.

Mr. PRESIDENT: It is with no ordinary feeling of sadness that I rise to say a few words in reference to the character and memory of our deceased friend and former associate in the Senate, MATTHEW H. CARPENTER. Others who have preceded me have given the date of his birth, early education, and experience in early life. Sir, his nobleness of character and greater tenderness of heart made him beloved by all who knew him well. Frank and cordial in his greetings to all, he was ever ready to extend a helping hand to those in need. The last time he was out of his home was to ask that an unfortunate friend be given employment. He had been very ill, but was convalescing when this person appealed to him to make the effort in his behalf. Mastering by his great will power the physical weakness of the hour, he ordered his carriage, and by the assistance of a servant entered it and drove to a department in this city, sought the chief, and earnestly presented his friend's cause, and, as one can imagine, was successful; returning home much exhausted, he took his bed never to rise again.

Sir, I wish I had the power to properly portray the loss our country must feel in the death of our brother Senator, but I have not.

I am aware, however, sir, that in speaking of the dead who have long been closely associated with us in life we are naturally inclined to refer only to the brighter characteristics of their lives, and to extol their talents and virtues, showing that our better natures are touched by the grief and sad bereavement of others, and that the envy and jealousies of human nature are lost in tears of sorrow.

The ordinary duties of public life have a tendency to draw our attention to the mercenary side of human character, and but seldom lead us to look upon the brighter, nobler, and greater traits of

man's nature, so that except on occasions of this kind (when the tender chords of the heart are touched) does the mind turn back over the pathway of the life of others to gather up the flowers strewn along it, that they may be presented as mementoes to the nation and friends; but with our hearts touched and softened we are led for a time to study the better part of human character, and forget the trivial things that are apt to be the more considered in our daily intercourse with each other. Man is not perfect. The deceased brother of whom we speak to-day was but a man. He like others may have made mistakes, but, sir, they were of such insignificance that soon they will be lost to memory; while on the other hand the nobler and better points of his character were many, and *well* marked, and of a nature to impress themselves vividly upon the minds of all who were intimately acquainted with him. He was a gentle and kind husband and a most generous and indulgent father; his home bore the impress of these virtues, and *now* by its silent gloom gives out the deep affliction of his once bright and happy family, as before mentioned.

One of the well-marked characteristics of the deceased was his generosity and kindness. This he showed in many ways and on all occasions. A beautiful compliment was once paid to a Senator, which was that "the consciousness of having unintentionally used a discourteous expression would bring a blush to his face." It might with equal propriety be said of Senator CARPENTER, that the consciousness of having wounded the feelings of a brother Senator would have given a much deeper wound to his own heart. As a debater in the Senate on important questions he but seldom found his equal. He reached his conclusions by careful and thorough investigation. His convictions reached were clear on subjects often more or less clouded with doubt in the minds of others. He never left the investigation of a question without having a decided "yes" or "no" to give in reply. This was doubtless due

in a great measure to his long training in the discussion of difficult and complicated legal questions, where a decided position was necessary to success. His method seemed to have been to fix upon what he conceived to be the one strong point in the case, and then to turn upon it all the light afforded by authorities and logical reasoning. All who have heard him will bear witness to his clear reasoning on all questions which he debated. No matter how difficult and complicated the question might be, his own views were so clear and distinctly set forth that the most unlearned listener was enabled to comprehend his position and reasoning. His great strength as a debater consisted mainly in his logic, which was precise, almost mathematical, in its demonstrations; but when he did resort to irony or ridicule, it was terrible in its effect. The only way to meet the effect of one of his arguments was to attack his premises. When once he had his line of argument he followed step by step to the logical conclusion, no matter how ultra or startling the conclusion might be.

His appearance on the floor and his voice were in exact accord with the mental characteristics mentioned. The expression of his countenance, his tones in speaking, even his very attitude, betokened a feeling of confidence that favorably impressed his hearers and riveted their attention. His words came forth with such clear and ringing sound that every syllable would be distinctly heard and understood. Not only did the mouth speak, but the whole man seemed to take a part in giving utterance to his views. Yet he spoke with an ease and gracefulness that was peculiarly his own. Usually feeling too confined in the narrow space of his seat, it was his custom to step into the aisle that he might the better give free expression to his thoughts.

His method of thought and mode of reasoning, as a natural consequence, had a tendency to carry him to the extreme point in the direction his convictions led him on all the questions of the day.

His position, therefore, on important measures and problems was always radical, and it may be truly said of him that he never gave an "uncertain sound" in expressing them. Whatever may be thought of the views he maintained on any of the political issues of his day, all must admit that they were distinctly stated, clearly understood, and manfully and ably advocated.

Although exceedingly jealous of the honor of his government, yet even on questions where this was involved he applied the same rigidly logical method of reaching a decision as to the justice of the case, and allowed no other consideration to swerve him from his course.

Mr. CARPENTER was beyond question one of the great orators of his day.

When the history of the present age is written it will undoubtedly pronounce Mr. CARPENTER as one of the great men of his time—great in legal ability, great as an orator, and great as a debater, and also as having occupied a high position as a statesman. And when it reaches the page where his death must be recorded, it will be with a deep sigh of regret that the nation should have been deprived of the services of one so able while yet in the strength and vigor of manhood.

In his personal intercourse he was always kind and affable, listening with the same patience and attention to the humblest citizen as to the most influential. Naturally of jovial and pleasant disposition, he was extremely fond of laying aside for a time the cares of his public position and entering into free and social intercourse; but even here he seemed most delighted when the conversation partook of that character indicating an elevated range of thought.

As a lawyer he was a profound thinker and brilliant advocate; he was a great student and a very laborious man; his mind was a vast storehouse of legal lore. If equaled, certainly not surpassed, in that fervent eloquence and clear logic which made him a power

before any legal tribunal. His life as a lawyer was unsullied in everything which looks to professional honor.

But, sir, he is gone from our midst; he is mourned by the bar, by the Senate, and by the country; he will be heard no more in this Hall; his voice is hushed forever.

Sir, soon after his death we took his remains to his home in Wisconsin and there quietly laid them down in the tomb, where "he sleeps the sleep that knows no waking." A mighty throng had assembled in Milwaukee to receive the remains; the immense number of people who came out stood with bathed cheeks and sobbing hearts, giving evidence of the great affection they had for him and of the great loss they had sustained in his death; and well might his friends weep and mourn at their own and their nation's loss. For, sir, his was a great loss. Mr. President, lessons are constantly being taught us, by the demise of our friends, that we are traveling the same "broad road" to death.

The tomb is silent and gives forth no warning to the living, but there is a still small voice that constantly whispers, "A life beyond," where a power shall "unseal the thunders" and give "voice to the graves."

Address of Mr. KELLOGG, of Louisiana.

Mr. PRESIDENT: The death of a distinguished associate in this body imparts new emphasis to the public labors with which his talents and energies were identified. A great man is never so great as when he passes behind the veil; his silence is eloquent with the remembrance of his past deeds.

The distinguished Senator whose lamented death now occupies the attention of the Senate was so versatile in his attainments and in his sympathies, and so many-sided in his character, that it is fitting there should be among his former associates who now unite

in a tribute to his memory, those representing wide divergences of geographical lines and grave differences of political opinion.

It has often occurred to me since Mr. CARPENTER's untimely death that the scenes and natural surroundings of his childhood—scenes with which I am personally somewhat familiar—may have exercised no little influence upon his later career. He was born at Moretown, Vermont, on the side of a mountain, down which and past his dwelling rushed a stream called Mad River, hastily impatient of all obstacles, at times swollen with rains or melted snows, a torrent resistlessly impetuous in its force, and at other times sparkling in the generous sunlight and filling the pleasant valleys below with liquid music. The varied moods of nature in his mountain home were reflected in his after life, and gave tone and color to his maturer years. Shadow and sunshine chased each other throughout his whole career.

What deeper grief, for instance, could assail an able and ambitious young man just entering life than total blindness, prolonged through nearly three dreary years? Yet even through this darkness rays of sunlight streamed. He had found in that great Massachusetts jurist, Rufus Choate, a friend who had seen the capacities that were in him, who had poured out before him his stores of legal knowledge, and who stood by him with Samaritan benevolence until, happily, his sight was restored and he was enabled again to enter the arena of life. There is no question that this period of enforced seclusion and reflection exercised a marked influence on Mr. CARPENTER's future.

More familiar hands than mine have sketched the subsequent career of the rising young lawyer; how, after migrating to Wisconsin, his consummate attainments forced him out of the comparative obscurity of the little town of Beloit, in which he first settled, into wider fields of labor. I refer, in passing, to his enthusiastic adherence to Stephen A. Douglas and his theory of "squatter sov-

ereignty," and his subsequent hearty support of the National Government when it was called upon to determine by force of arms whether the majority should be coerced by the minority, only as instances of that love of freedom which he had brought with him from his home in the mountains of Vermont.

Elected to the Senate in one of the most momentous periods of the nation's history, it needs no words of mine to recall the services that he rendered. They are written in the chronicles of the time. He entered the Senate grandly equipped for the discharge of his duties. Erudite in law, of mature years and quick perception, and with marked abilities for debate, he stepped at once to the front and held his ground to the last. It may be that his adroit, self-confident power of fence, cultivated by long experience at the bar, sometimes tempted him to wield the rapier rather than the saber in defense of a public interest. When the maintenance of republican governments established in some of the Southern States, under the acts of Congress passed subsequent to the war, became the subject of burning debate in this body, Senator CARPENTER adopted views which brought him into sharp antagonism with that other illustrious Western Senator, Mr. Morton, of Indiana, who also has been called to take his place in the silent halls of death. The memory of that contest will be fresh in the minds of many now present. It was a struggle of intellectual giants, of consummate skill and dexterity of thrust and fence on the one hand, and of mighty force and directness of aim on the other. Into the merits of that controversy it is not my purpose to enter, nor would it perhaps be decorous for me to do so. They have been referred to the arbitrament of Time. Nor do I wish to awaken the echoes of the past further than to say that in my belief, founded upon remarks which Mr. CARPENTER made to his friends in later years, had his life been spared a little longer, some opinions which he then urged upon the Senate, with all the forceful logic of which he was so great a master, would perhaps

have been changed, and some conclusions arrived at on too hastily assumed premises would have been modified.

And if any feeling of resentment may have been indulged within his party because of his course at times, it was disavowed long before his death, and there is no Republican, North or South, to-day who would not in proud remembrance of his public service lay his hand upon the urn of MATTHEW HALE CARPENTER and say, as said Brutus, "In this I bury all unkindness."

It has been well remarked of him that his mind worked by impulse. An illustration of this fact the Senate will perhaps pardon me for recalling, even though some of the incidents may seem trivial. When one who is held in affectionate remembrance has passed beyond mortal ken, even slight reminiscences often have value, especially when indicating distinguishing points of character; and this particular instance illustrates not only the peculiarity to which I have referred, but that marvelous power of memory which formed one of Mr. CARPENTER'S most extraordinary gifts. In the summer of 1873 Mr. CARPENTER visited New Orleans on the invitation of prominent citizens, chiefly his heretofore political opponents, to deliver an address upon the political situation. He then saw Louisiana with his own eyes for the first time. The marvelous fertility of its soil, the beauty of its semi-tropical products, the absence of the evidences of enterprise and thrift and careful husbandry, and the all-engrossing attention bestowed upon political broils arrested his attention, and on the impulse which these surroundings gave him he made a speech the brilliancy and force of which will not soon be forgotten. He spoke extemporaneously for nearly three hours, amidst a scene of great excitement, with frequent interruptions.

Leading newspapers of New Orleans had arranged to lay before their readers a verbatim report of the eloquent Senator's oration, and the audience, which packed the largest theater of the city, as

well as hundreds of others who had been unable to obtain admission, looked eagerly for a report of that address. It never appeared. From a partisan stand-point it was not what was either expected or desired. The wish of the people generally to read what he had said was communicated to Mr. CARPENTER, and a stenographer was placed at his disposal. With some reluctance he consented to attempt to reproduce his address. Pacing rapidly the floor of his room, pausing every now and then to collect his thoughts and recall the surrounding incidents of the occasion, he dictated the speech, as he remembered it, interruptions included, and it was published. Afterward a transcript of the short-hand notes of his address as actually delivered in the first instance was procured, and on a comparison it was found that the two speeches, uttered three days apart, and without the aid of note or memorandum, varied scarcely the turn of a sentence or the substitution of a word.

Of the influence which Senator CARPENTER exerted in this Senate I need not speak. I believe that not one of his associates in this body failed to appreciate his innate and cultivated powers more than did he himself. Although affluent in resources and opportunities for their use, he seemed unambitious to achieve great distinction in American politics. He surprised fame, but never deliberately pursued her. The same restive temper which impelled him to abandon the discipline of West Point in two years somewhat distinguished him in his later years, despite the professional reputation which he justly won. Notwithstanding the license of view permitted to his profession, and of which he sometimes availed himself in this Senate, all who knew him well knew that his instincts were Republican at the root. While he may not rank as a very great statesman, while his Republicanism was a tranquil faith rather than an impetuous passion, he will be remembered as one who devoted his great powers to the public weal, and as an advocate whose courage when roused, and whose brilliance, coherence, and

strength of argument before Senate, court, and people were tributary to honest ends.

Choate—the Edmund Burke, perhaps, of our country—predicted a brilliant future for his young student, but Mr. CARPENTER found, as did his distinguished teacher, greater provocations to effort at the bar than in legislative halls. Through the work of this and future Senates will run threads of national purpose in connection with which will be felt the subtle and familiar touch of his unseen hand. Had he been permitted to survive the next ten or fifteen years, there is little doubt that he would have commanded public attention and added to his fame in much greater measure. His views and hopes for the future were honorable alike to his country, his head, and his heart. On the eve of battle a great soldier has often drawn upon the ground with his sword his plan for the morrow; there are deep traces in the memories of some of projects which were dear to his heart, but which his arm may never compass now. He was wholly unselfish, with every title to the love of his friends, to the respect of his political enemies, to the gratitude of many whom he genuinely served, and to the pride of his country. The remembrance of the breadth of his legal attainments, the brilliancy of his eloquence, the exuberance of his wit, his magnetic charm of manner, and the generosity of his nature will long survive, and in the Valhalla of the heroic dead who have done valiant deeds in the cause of human progress I venture to believe that the name of MATTHEW HALE CARPENTER will hold an honored place.

Address of Mr. BAYARD, of Delaware.

Mr. PRESIDENT: To "weep with them that weep" is an injunction difficult indeed to disobey when the cause of mourning is the death of a man so highly endowed and accomplished as our late associate, MATTHEW H. CARPENTER, of Wisconsin.

It would be useless iteration to attempt portrayal of his career and character after the full and interesting history of both, just recounted to the Senate. But, responding to the request of those who held close relations to our deceased friend and brother Senator, I add my expression of sincere sorrow for his loss, and pay this humble tribute to his memory.

Mr. CARPENTER first became a member of the Senate on the same day I did; our personal acquaintance was then formed, and kindly relations were soon established between us which although never of close intimacy continued unbroken until his death.

This period since March, 1869, has been fruitful of issues and events of the gravest public interest and significance, and their discussion in this Chamber has oftentimes been accompanied with natural and deep feeling, which found its expression in prolonged, earnest, and excited debate. In such times and amid such scenes my personal knowledge of Mr. CARPENTER has been gathered.

He entered the Senate with high repute as an advocate and jurist, and was well equipped and trained for the duties of his post, so that at once and naturally he took rank as an acknowledged leader in the councils of the party in majority, and the deliberations of the body.

With but little prior parliamentary experience, his remarkable versatility and facility of acquisition exhibited itself in his rapid and easy mastery of the rules of the Senate and the duties of its presidency, to fill which he was repeatedly chosen by his associates.

His familiarity with, and ability in discussing, points of constitutional and statutory law, together with his unrivalled intimacy with judicial decisions, caused his arguments and opinions to be received at all times with exceptional and attentive interest.

The easy flow, the careless grace and persuasiveness of his methods and manner of reasoning, his felicity of diction and pleasant elocution, all combined to win assent, and render disagreement from his propositions a difficult task.

As an orator, he possessed gifts of a high order, for he was always natural, simple, and affecting, free from mannerism and vociferation, never posing for effect, nor bedecking his speeches with the artificial flowers and tawdry accessories of theatrical preparation.

In addition to a wide range of sound legal learning he had embellished his mind with a good acquaintance with belles-lettres, so that his speeches were never disfigured by the undraped angularity and poverty of ornament with which mere law learning so often marks its professors.

He was never prosy nor tedious, but almost uniformly brilliant, forcible, and instructive. It was delightful to witness the play of his fine faculties and note the ease with which his mind did its work.

Although a close and laborious student, yet in the Senate or the forum, "the smell of the lamp" was seldom to be detected in his speeches; and, while the effects of preparation were felt, the appearance of effort was concealed by the smooth working of his intellectual machinery.

He was a man of generous and impulsive nature, with a fertile mind well stocked with ideas, and lavish in their outlay. Warm-hearted, open-handed, large-minded, with a certain characteristic profusion in his intellectual expenditures, as if conscious of an overflowing reserve that mocked the calculations of ordinary economy, his powers were wonderfully at his command, and in facility of thought, and even still more in the expression of his thought, I never met his superior.

His charities were liberal and bestowed without ostentation. Gentle-hearted and affectionate, a kindly humor played around his utterances and healed the wounds so often and heedlessly inflicted in the heated and heady currents of debate.

In this Senate Chamber, the scene of some of his many triumphs,

in the presence of those who were his witnesses, may justly be applied to him the tribute of Moore to Sheridan:

> Whose fancy, as bright as the fire-fly's light,
> Played round every object, and shone while it played;
> Whose wit, in the combat, as gentle as bright,
> Ne'er carried a heart-stain away on its blade.

His capacity for labor was great, and it was freely exerted; for even while taking an active and important part in the business of legislation he conducted simultaneously a leading practice in the higher judicial courts, and to this unsparing and unremitting toil the early termination of his career may largely be attributed.

The strong and peculiar sympathies and intimacies which are the outgrowth of coincident opinion and action in party politics, never existed between Mr. CARPENTER and myself; but our differences on such subjects never caused disturbance in our kindly personal relations. I found him ever a frank, generous, and courteous opponent, whose good temper and genial manners rendered the transaction of public business easy and agreeable. He justly valued and practiced the amenities of daily life, and was in its full sense a lovable and companionable man.

One of England's chief worthies, her first lay chancellor, Sir Thomas More, conspicuously possessed the trait of gentle and merry humor throughout an honored life, and history tells us he exhibited it even on the scaffold, to which a merciless tyrant and his own integrity of soul conducted him. The same trait was conspicuous in our deceased friend, whose irrepressible wit and indomitable humor flashed out even when he lay racked with extreme suffering, and under the shadow of death itself.

Mr. President, few assemblies attest so forcibly the shortness of human life and the instability of political position as this Senate.

Less than thirteen years ago I came here, and of those who were then my party allies and associates not one remains a member of the body to-day; and of those who were then my associates on the opposite side of the Chamber there remain to-day but four.

This reflection is full of sadness, and may not the admonition accompany it that the short period of our co-operation here in the service of our country should not be disfigured by unnecessary party heat or personal dissension, or rendered less pleasant by a lack of mutual and kindly consideration.

And of all of those who have thus come and gone from this theatre of our labors and companionship, not one has there been more genial, brilliant, and talented than the distinguished advocate and orator whose death we so lament, and upon whose life and services the eulogies of to-day are justly pronounced.

Address of Mr. EDMUNDS, of Vermont.

Mr. PRESIDENT: In one of the most secluded and beautiful of the mountain valleys of Vermont MATTHEW HALE CARPENTER was born in the year 1824. Mad River (so called from the turbulence of its course) swept the valley with its crystal waters, abounding in trout, and called with its ceaseless voices to the great mountain peaks and ridges that immediately surrounded the farm house of his parents, breaking from this "haunt of ancient peace," alike the shock of the winter tempests and the fierceness of the summer heats.

Such was his childhood's home. How often did he, doubtless, when in the height of his fame and in the midst of the cares, and contests, and victories of the world, wistfully look back over the receding years, from the State of his adoption or from the chief

seat of the government of a nation in which he had a prominent part, to that fair valley, and yearn for the peace and rest it gave of yore, and still compelled by fate to say:

> Not again,
> O, friends, may I behold bright Moretown's vale
> And taste the sweetness of her mountain gale,
> I know no home in this dear land and fair
> That was my father's, and, its limits past
> My backward yearning looks must be my last
> That ever linger on it; not when laid
> In the still sleep can my returning shade
> Behold it ghostly,—I shall have my grave
> In the far western land.

Mr. CARPENTER's birth-place and the home of his youthful days was only a dozen miles from the town of my own nativity, the hills of which I can still see from my present home, and we first met when we were both very young and studying law, at a small school-house situated in the very heart of the mountains, to contend through the whole day and night for the rights of our respective clients in a very small affair, before a farmer justice of the peace and a jury of six.

In his earlier as in his later days his characteristics were an extreme gentleness of disposition, kindness of heart, and affability of manner, combined with a resistless and restless energy of intellect that rarely saw any obstacle too formidable to be assailed.

He possessed a breadth of intellectual grasp and an acuteness of discrimination that I have rarely seen equaled, and his power of research and analysis was superb. His capacity for lucid statement and logical deduction was perfect; and to all these he added a wealth of learning, particularly in the law, a richness of voice, a fluency of speech, and an eloquence that made him, I think, one of the most remarkable men of any time. In the respects mentioned in the passage I shall quote, his character was an almost perfect parallel with that of Hortensius, perhaps the very finest of Roman

lawyers, as it is described by Cicero. After mentioning Cotta's manner of speaking, Cicero says:

> The language of Hortensius was splendid, warm, and animated, and far more lively and pathetic both in his style and action. He had such an excellent memory, that what he composed in private he was able to repeat without notes in the very same words he made use of at first. He employed this natural advantage with so much readiness that he not only recalled whatever he had written or premeditated himself, but he remembered everything that had been said by his opponents, without any notes. He was inflamed with such a passionate fondness for the profession that I never saw any one who took more pains to improve himself; for he would not suffer a day to elapse without either speaking in the forum or composing something at home, and very often he did both on the same day. He had, besides, a turn of expression which was far from being lax and unelevated, and possessed, too, other accomplishments in which no one could equal him; an uncommon clearness and accuracy in stating the points he was to speak to; and a neat and easy manner of collecting the substance of what had been said by his antagonist and by himself. He had, likewise, an elegant choice of words, an agreeable flow in his periods, a copious elocution, with a sweet and sonorous voice, which he was partly indebted for to a fine natural capacity, and partly acquired by the most laborious rhetorical exercises. In short, he had a most retentive view of his subject, and always divided and parceled it out with the greatest exactness; and he very seldom overlooked anything which the case could suggest that was proper either to support his own allegations, or to refute those of his opponents.

Thus over a period of twenty centuries,—thanks to the art of printing and the historic continuity of civilization,—we may not only compare systems of jurisprudence and the progress of nations as a whole, but note the individual actors in far distant scenes, and know that the race of man does not degenerate. So well known were these great and rare qualities of Mr. CARPENTER that at a time of great public embarrassment and difficulty, and before he had demonstrated in the Senate his eminence in affairs as well as in law, he was called from Wisconsin to Washington in 1867 by Mr. Stanton, then Secretary of War, to aid by his counsel in consultation, as well as by argument in the Supreme Court, in upholding the provisions Congress had thought it necessary to make concerning the rehabilitation of the States then lately in rebellion. From that time to his death he was, I think it probable, concerned in

more of the very important litigation in the courts than any other one man. In the Senate, also, he bore a leading and justly conspicuous part in measures of national policy, and his tireless mind always brought forth to us from its abundant storehouse treasures of learning and reason, and his clear, strong, sweet voice and the beauty of his diction always wrapt us in silence and attention. But I must suspend.

In an acquaintance of more than thirty years and an intimacy of nearly fifteen we never had an unfriendly feeling or dispute, and I never received from him a word hurtful or unkind. His few human faults I forget, as I would wish my own to be forgotten. Peace to his great soul. I mourn him as a brother—and he was my brother, for he was the son of our common mother, Vermont, who cheerfully gave him, as she has so many of her children, to build up States like herself along the borders of the great lakes and in all the valleys of the upper waters of the Mississippi—republics whose rule is peace and justice, and whose free prosperity has become a beacon for the world.

Address of Mr. DAVIS, of Illinois.

Mr. PRESIDENT: The history of the life, and of the eminent career of our departed colleague, and friend, has been well told by those whose particular province it was to discharge that duty. I come sadly to drop a tear upon his grave, and to mingle my personal sorrow with the general grief at his taking off.

He was great; he was gifted; he was generous. In the qualities that adorn human nature, none excelled him. There was no lurking place in his make-up for envy, for malice, or for hatred. It did not need the exercise of charity for him to forgive injustice, nor to forget ingratitude, because his big heart overflowed with

kindness. He could not treasure up wrong, even when calumny assailed him.

Always quick with sympathy, and with succor, his hand was open to soothe distress, to aid the feeble, and to answer every call of friendship. Who ever appealed to him in vain for relief, or for comfort? If he had a weakness, it was on the generous side of frail humanity. The mere name, or the very semblance of affliction, touched him as deeply as actual suffering.

Mr. CARPENTER was neither a statesman, nor a politician. He was pre-eminently a lawyer, who may be said at a single bound, to have leaped into the front rank of the profession which he loved, and which he honored. In another sphere, it was my privilege to have known, long before his national fame was achieved, how well he deserved distinction, and how certain it was to come with the first opportunity.

Endowed with fine genius, he did not trust to natural parts for success. As a laborious and faithful student, he mastered the science of the law; he stored his mind with large learning; he enriched it with culture, and he trained it with severe discipline. The cause of the humblest client, found his counsel as true and as earnest, as that which gave him a world-wide renown.

He brought into the Senate the habits of thought, and the processes of reasoning, which had become a second nature in his professional life. All his speeches were arguments. No shackles of party could fetter an intellect, which was self-asserting in its independence, and which always rejoiced in a free atmosphere.

The pleasing presence, the graceful manners, the hearty welcome, the confiding friendship, and the warm nature of our late brother, are now gathered like beautiful flowers around his coffin. We who are left to mourn over his loss, will long cherish their perfume in our memories. In the very prime of life, with a grand future opening out before him, he was snatched away.

We all know of his shining characteristics; but only few know of the moral heroism which bore him through the long struggle that ended in death. For more than a year before the dread summons came, he may be said to have counted every pulsation of his fleeting life. He studied the scientific tests that revealed the inevitable doom, with the calmness of a philosopher in search of knowledge, as day by day the passage shortened, and the gloomy goal loomed up a stern reality. What courage in the field of battle compares with this heroism of the closet? Who that saw him here in the last Senatorial scenes, stricken, it is true, in look, and his elasticity shattered, but joyous in greeting, fervid in utterance, and his mind flashing with brightness, could have supposed that he carried with him the secret sentence of an early grave? No outward sign told of that impending calamity.

To us, who are more aged than the lamented Senator was, this lesson speaks with the strongest admonition. But to all, young as well as old, it is notice to prepare for that future, which the sublime mercy of God has reserved for well-spent lives.

I move the adoption of the pending resolutions.

The PRESIDING OFFICER. The question is on the adoption of the resolutions presented by the Senator from Wisconsin [Mr. Cameron].

The resolutions were agreed to unanimously; and (at one o'clock and forty minutes p. m.) the Senate adjourned.

PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES.

IN THE HOUSE OF REPRESENTATIVES,
January 25, 1882.

DEATH OF HON. MATTHEW H. CARPENTER.

A message from the Senate, by Mr. Sympson, one of its clerks, communicated to the House the resolutions of the Senate on the announcement of the death of Hon. MATTHEW H. CARPENTER, late a Senator of the United States from the State of Wisconsin.

The resolutions were read, as follows:

Resolved, That the Senate has heard, with profound sorrow, of the death of Hon. MATTHEW H. CARPENTER, late a Senator from the State of Wisconsin, and extends to his afflicted family sincere sympathy and condolence in their bereavement.

Resolved, That, as an additional mark of respect for the memory of Mr. CARPENTER, the regular business of the Senate be now suspended in order that his former associates in this body may pay fitting tribute to his memory.

Resolved, That the Secretary of the Senate be directed to transmit to the family of the deceased, and also to the Governor of Wisconsin, a certified copy of these resolutions, with a statement of the action of the Senate thereon.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

Resolved, That, as a further testimonial of respect to the memory of the deceased Senator, the Senate do now adjourn.

Mr. WILLIAMS, of Wisconsin. Mr. Speaker, I submit the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House of Representatives has received with profound sorrow the announcement of the death of Hon. MATTHEW H. CARPENTER, late a United States Senator from the State of Wisconsin.

Resolved, That the business of the House be now suspended that opportunity may be given for fitting tributes to the memory of the deceased and to his public and private worth.

Resolved, That, as a further mark of respect, the House, at the conclusion of such remarks, shall adjourn.

Address of Mr. WILLIAMS, of Wisconsin.

Mr. SPEAKER: On the morning of the 24th of February last, at his residence on Connecticut avenue, in Washington, at forty-five minutes past nine o'clock, MATTHEW H. CARPENTER died. It so chanced that with others I spent the night at his bedside and saw him breathe his last. I am aware that the scenes of the death-chamber are sacred, not to be drawn upon for mere dramatic effect, but there were incidents connected with this one which I think more fully portray the characteristics of the deceased than volumes of eulogy could do. I was told that some short time before he had wandered slightly in his mind, and in his dreams fancied himself back among his Vermont hills again; that he spoke tenderly, even plaintively, of his mother, who died when he was a mere lad, and then for minutes together he would fall into deep and fervent prayer. But on this last night his brain was clear and his lion-like nature never more strongly asserted itself.

He had been told by his physicians that the end was near, yet, with that dauntless courage which never forsook him, he came up to meet the final sentence under which he had knowingly walked for the last year and a half, but had never mentioned to his most trusted friend. As the shadow deepened and he began to sink, his devoted wife clung to him on the one side, while on the other was his loving daughter, and above them the pale face of his young son. I noticed that the daughter invariably addressed him as "my boy!" and when near the last she would say: "Do you *know* me, my boy?" His great eyes would open and in a voice modulated only by affection he would reply: "Why, of course I do!" and when the wife made the same inquiry, always addressing him by the familiar and endearing term, "Matt," the response was the same. At one time, near midnight, when the attending physician had persuaded

the family to retire for awhile, and himself was seeking needed rest, I was left in the room with no one but the colored man, Robert, who told me, in a voice stifled with emotion, that he had been the Senator's body servant for twelve years and more. Having occasion to go to the parlors below, and returning before I was expected, a most impressive scene met my view. The light was low; the Senator was sleeping. The thick silver locks fell back from his massive forehead. Near him on the carpet was the pile of law books which he had ordered from his office and studied in his last case, while at the foot of the bed the colored man, Robert, knelt in silent prayer!

This, Mr. Speaker, is fact, not fancy, and it tells the whole story. Intellect of the highest mold, mastery of the profoundest principles, and kindness and love for the humblest of God's creatures were the grand characteristics of Wisconsin's dead Senator.

Mr. CARPENTER was born at Moretown, Vermont, December 22, 1824. He was the eldest son of Ira and Anne Carpenter. With the perversity and persistence of all popular fallacies, the impression is wide-spread that Mr. CARPENTER came from a very humble parentage, whereas the fact is that his father and grandfather were both versed in the law and attained considerable local distinction in their profession, especially the grandfather, Cephas Carpenter, who is said to have been a man of powerful physique, possessing many of the striking characteristics so marked in his gifted grandson. The father was slight in stature and methodical in all his ways, while through the Senator's whole life there ran a low lament for that blonde and *spirituelle* mother beside whose coffin he stood at the tender age of nine years.

These are the elements whence came those wonderful powers and that matchless logic and eloquence which moved men, captivated juries, convinced courts, commanded senates! He did indeed, sir, walk with the port and majesty of a king, but he bore around with

him a heart as tender as a child's, and a disposition as sweet and gentle as a mother's love.

The details of his early life need not be dwelt upon. At the age of twelve years he was adopted into the family of Hon. Paul Dillingham, of Vermont, by whom he was carefully educated, and whose daughter he subsequently married. Thus, under the same roof, he found the guiding hand of a noble father and the cheerful smile of a devoted wife. In 1843 and 1844 he was a cadet in the Military Academy at West Point, where he made rapid progress, especially in the languages. But the dry details of tactics had little charm for him, and at the end of two years he left the academy, returned to Vermont, studied law, and was admitted to the bar at Montpelier. Rightly judging that mere theoretical study was of little avail without the advantages of practical experience in an office, he resolved to pursue his studies in that direction, and, with the unerring instinct which never forsook him, if he chose at all he would choose the best.

Making his way to Boston, he boldly applied to Rufus Choate for a place in his office. It is said that the great lawyer was impressed by the manly appearance of the youthful applicant, and inquired of his head clerk if there was room in the front office for another student. On being informed that there was not, he ordered a table to be placed in his own private office, and set young CARPENTER to work. Half by way of a test and half by way of a joke, before leaving for court he handed the young student a letter to answer from a country attorney asking Mr. Choate's opinion upon a question of law. Young CARPENTER worked diligently all day, embodying the result of his work in a carefully prepared letter to the correspondent. What was Mr. Choate's surprise on his return to find that the letter contained the very epitome of the law, stated in the clearest and concisest terms. Reading it carefully over a second time he said: "I guess I can put 'R. Choate' to

the end of that and tell the fellow to send me a hundred dollars." The name was attached, the letter sent, and the money quickly returned. From that hour young CARPENTER was ingratiated into the affection and favor of his illustrious patron, and, through all the dark hours that followed, the sun of that great friendship was never clouded.

In 1848 he took up his residence at Beloit, Wisconsin, now a young and thrifty city, but then more like a New England village. Mr. CARPENTER entered no obscure western hamlet, as has been so often said, but mingled at once with the highest social refinement, and met at the bar some of the ablest lawyers of the Northwest. He soon became afflicted with inflammation of the eyes, and was totally blind for two years. Going to New York City for treatment, he met with an experience which borders on the sensational. He had exhausted all his means, and, being blind and among strangers, had prepared and expected to go to the county house the next day, when that night the long expected and mysteriously delayed draft from Mr. Choate came to hand, and let light, if not into his eyes, into his heart and soul. Again returning to the West and regaining his eyesight, he entered actively upon the practice of his profession. Though a Democrat of the straightest sect, he was elected prosecuting attorney in a county overwhelmingly Whig. From votes claimed to be irregular, the certificate and office were given to his opponent. Nothing daunted, he brought suit in the supreme court, conducted his own case, and not only obtained the office, but by his masterly argument drew to himself the attention of the bench and bar of the entire State. Thenceforth his progress in his profession was a triumphal march.

A distinguished lawyer in the West once said that CARPENTER might not be the greatest lawyer that ever lived, but certainly no other man was ever born who could go into court, take possession of judge, jury, witnesses, opposite counsel, all, and drive where he

pleased as MATT. CARPENTER could. He was a strict constructionist of the Constitution, and, as I have said, a Democrat inborn. His reverence for that sacred instrument amounted to a devotion, and he believed any deviation from its strictest letter and spirit, however slight, would loosen the foundations of the republic. He lacked no sympathy for the oppressed, but believed that in the imperfection of human affairs the individual wrong should succumb to the greater common good. A leading Senator once said of him: "CARPENTER is too great a lawyer to ever become a great statesman." In a qualified sense that may have been true.

Whatever he saw, he saw with such logical clearness that he had little patience to bother with the side-lights of whims and isms. He spoke right out, no matter what the mood of the time, and lacked something of that skill which, without bating one jot or tittle of principle, humors the caprices of the hour, molds the non-essentials of the situation, and finally wields them as a positive power in the accomplishment of practical results. The radical difficulty with Mr. CARPENTER and his political school was the belief that human agreements once made could outlast all the changes of human conditions and all the demands of human progress. He forgot that "blood is thicker than water," and that man is but puny when he buffets the torrent of events; that his writs of law are but ropes of sand in the presence and movements of those mighty forces which must be peaceably composed or they will upheave nations and overthrow empires. But the open blow of rebellion brought Mr. CARPENTER to his feet. His deity, the Constitution, had been assaulted, and the love he bore it but added flame to his fierceness. From that hour he placed patriotism above party, and the great law of self-defense above all written constitutions, and from that high political Sinai there came a voice that filled all our Badger State and sent thousands of her sons marching forth to battle.

Few specimens of Mr. CARPENTER's eloquence of that time have been preserved, but surely never have our people been so moved and thrilled by mortal voice! The following will afford a glimpse of the patriotic fire which filled his soul. At a great war meeting in Milwaukee he said:

> Nearly forty years of profound public tranquillity have passed over and blessed our land. We have forgotten to use the weapons of war and have cultivated the arts of peace. We have engrossed our thoughts and enlisted our hearts in the pursuits of agriculture, manufactures, and commerce, and advancing the arts and sciences most useful to man.
>
> No nation has been so blessed—none has so prospered. While we have thus been improving all our mutual interests, amassing wealth at home and accumulating honors abroad, other nations have been vexed and worried with the "dogs of war"; the war-cloud has darkened the sunny sky of Italy; armies have trampled the vine-clad fields of France, and the recruiting drum has been heard on the green hills and sweet valleys of Merry England. * * * We hang out our banner; no dusty rag representing the twilight of seven stars, but the old banner that has floated triumphantly in every breeze; the banner Decatur unfurled to the Barbary States; that Jackson held over New Orleans; that Scott carried to the Halls of the Montezumas; and thereby we mean to say, in no spirit of defiance, but with the firmness of manly resolution, this flag shall wave while an American lives to protect it.

Mr. CARPENTER vaulted at once from the bar to the Senate, and the story of his subsequent career is written in one of the most important epochs of American history. Always choosing the foremost man for an opponent, his advent into the Senate was marked by a bold challenge to Charles Sumner for open combat. Well might Mr. Sumner have looked with contempt upon the temerity of this young fledgling from the West, but no sooner had the debate opened than he discovered, like Fitz-James of old:

> No maiden's hand is round thee thrown!
> That desperate grasp thy frame might feel,
> Through bars of brass and triple steel!

And though smarting with wounds just received, the great Massachusetts statesman had the magnanimity to say that the mantle of Daniel Webster had fallen upon this young Senator from Wisconsin.

Since his death a leading Eastern journal, by no means friendly to Mr. CARPENTER, has said that while the above was a common

and easy thing to say, it came nearer being true in this case than in most others. Another leading journal of the East, noted for the candor of its statements, says:

> With perhaps two exceptions, no genius so steady, no intellect so sustained as CARPENTER'S has been known in any sphere of American public life since the death of Jefferson and Hamilton. We think, indeed, in the rare quality of oratory CARPENTER will be ranked with such master minds as Burke and Macaulay.

But it was not from the graces of speech that Mr. CARPENTER won his most enduring fame. Men like Judge Black, Reverdy Johnson, Edwin M. Stanton, and others equally eminent, have assigned him a place among the foremost American lawyers and statesmen. All agree that in his argument in the celebrated McArdle case he mapped out the whole plan of reconstruction which was subsequently adopted and followed. The prediction may well be made that since the death of Daniel Webster the speeches of no man on constitutional law will be read with more care than those of Mr. CARPENTER. He gave little heed to appearances, and in many things was most singularly misunderstood. The impression widely prevailed, especially among those who did not know him personally, that he was light and frivolous; that he trusted to his genius, and lacked industry. Why, sir, no more industrious man lived than MATTHEW H. CARPENTER. He trusted nothing to impulse. I remember hearing him say that in preparing a short letter for publication on the subject of legislative control of railroads, he commenced the letter before the gas was lighted in the evening, worked continuously through the night, and only finished it after the gas was turned out in the morning. And this letter, sir, was the acorn planted in a night which thereafter, in the Supreme Court of the United States, grew to a mighty oak. He trusted nothing to chance. He explored all possible sources of information, and was never satisfied until he had probed his subject to the bottom.

It was thus that frequently in the merry twinkle of his humor

he would start questions in the Senate which his brother Senators would at first treat as fanciful, but no sooner had they grappled with him in debate than they discovered that it was they and not he who required time for study and reflection. Notably was this the case in one of his last speeches delivered in the Senate, relating to the jurisdiction of consular courts. Another false impression was that he was careless in business, and his own self-criticism often gave color to the belief. Yet the fact was that he made a statement to his family at the end of each month, and his business affairs were no more confused when he died than his intellectual processes were while he lived. Such was his promptitude in meeting pecuniary obligations that at no time after he arrived at manhood would his check be dishonored at any bank where he was known.

As for his personal and official integrity his former law partner at Milwaukee relates the following:

> While sitting with him in his private office in Washington one morning before the Senate convened, a gentleman walked in, and, handing his card to Mr. CARPENTER, stated that he wished to retain him in a case then pending in the Supreme Court, and laying down a $5,000 check, payable to Mr. CARPENTER'S order, remarked that on the following Wednesday he would call and pay him another $5,000. He casually observed that two other eminent lawyers, whom he named, would argue the case, and he would not need to participate in the argument. The last remark attracted Mr. CARPENTER'S attention, and he requested the gentleman to take his $5,000 check with him, and if he concluded to accept a retainer he could pay the whole when he called again. The next week the gentleman returned with a check for $10,000. But in the mean time it had been ascertained that the proffered client had a claim for $398,000 against the government then pending before the Senate and referred to the Judiciary Committee of that body, and then referred to a subcommittee, of which Mr. CARPENTER was chairman. The result was that his retainer was declined, with a sharp lecture upon the subject of retaining lawyers and paying them large fees for doing nothing. Subsequently the claim of this gentleman was investigated in committee, and Mr. CARPENTER made a report against the bill, which was defeated in the Senate.

I have thus referred, though imperfectly, to some of the leading incidents of Mr. CARPENTER'S life, purposely leaving to others the more congenial duty of paying fitting tribute to his memory. Our loved and lamented CARPENTER is dead. His merry laugh is

hushed in the grave. His silvery voice will be heard no more forever! The vacancy his loss creates in our State can never be filled. He was the pet and idol of our people. They knew his virtues, and could forgive his faults. No man was ever followed to the grave by all the people with more unaffected grief than he. The memory and the light of three great intellects shine over the waters of our inland seas—Garfield at Cleveland, Douglas at Chicago, and CARPENTER at Milwaukee. There let them rest! As the old Green Mountain State looks westward over hill and plain, she can say, with welling pride, "Yonder on the border of those waters sleep two of my most illustrious sons; illustrious in life, immortal in death! They revered the Constitution; they adored their country!"

Mr. Speaker, on the 10th of April last, along country roads, through drifted snows, we bore the remains of our loved Senator to their last resting-place. There let him sleep, and let the Western poet bespeak our tribute and our grief:

O'er western plains the snow is swept and sifted;
The wind's wild wail is borne along the air;
The forests groan, the highways deep are drifted;
The ridges all are bare.

Cold comes the arctic wave; the sun is hidden
From human sight by cheerless clouds of gray;
From the far north the storm-king comes unbidden
To greet us day by day.

By glowing grates within the snow-bound city,
By blazing farm-house fires; in woodman's shed,
Men's voices whisper with regret and pity,
"*Wisconsin's chief is dead!*"

He sleeps to-day the sleep that knows no waking;
He goes, with folded hands upon his breast,
Just as the morning clouds of peace are breaking,
To his eternal rest.

Grand was his work, and wise the legislation
He helped to fashion with his brilliant mind.
When may we find, in all this gifted nation,
A heart more brave and kind?

Address of Mr. KASSON, of Iowa.

Mr. SPEAKER: There are two opposite civilizations whose gates are always open to the progress of talent, of genius, and of ambition. One of these is in the far east, where the monarch, loving his ease, welcomes any talent which fills his treasury, and the statecraft which directs his armies to conquest or relieves him from the burdens of administration. There the imagination of all classes is full of dreams of wealth and power to be gained by the arts of intrigue, and the utmost strength of the human intellect is directed to seize and control the threads of influence which center in the one man who possesses the throne and is the fountain of prosperity. In this struggle freemen and slaves alike take part, and both have made themselves illustrious in eastern history. The Hebrew boy who was carried into Egypt as a slave became its ruler, and the gladiator who fought in the arena at Rome became its emperor.

In this far west and in this New World we, more fortunate, enjoy the other of these civilizations. Talent, ambition, genius are not here directed to the winning of one single, weak, human intellect. Their power must be great enough to inclose millions in its grasp. No personal contact can here win the favor of the throne to which they aspire. They triumph only by the force of intellectual qualities so strong and so brilliant that they illuminate the masses of men like rays from the sun. Under their influence mankind feels a new joy as it acknowledges and welcomes a leader of men. Nowhere on the globe is intellectual greatness more highly appreciated than in America. The stimulus to its development, found in listening crowds of all degrees of education and of all ranks of society, is far more powerful and of higher motive than that found in any single fountain of honor, though it flow from the foot of a throne.

When that son of Vermont whose unfinished life and premature

death we deplore to-day left his native mountains for a new home, his mind was already disciplined by the severe mathematics of West Point and by the stern logic of the common law. His manly form, his large brow, his animated eye betokened the liberal gifts with which nature had endowed him. For a year he lived in the glow of that great orator and lawyer of Massachusetts, Rufus Choate, whose amazing wealth of fancy and of language seemed to have fallen, like the prophet's mantle, upon the opening genius of his pupil. Even the rigid demands of closely reasoned law could not extinguish in him the play of imagination and the flashes of his ready wit. Burke, while speaking in eulogy of a great English lawyer-statesman, panses to celebrate the logical discipline of mind effected by the lawyer's profession, but condemns it in the administration of State affairs as leading to technical arts and narrowness of intellect. But in Senator CARPENTER it only exercised a wholesome restraint over the exuberance of his fancy and the luxuriance of his intellectual growth.

Nature and study had equipped this child of the mountains for another and more auspicious scene of action. A compact city on the shores of New England, whose walks of life were full of mature men already in possession of the avenues leading to professional success and distinction, was not the place for him. He left the older communities of the East and sought the immature and growing West. There the people stood not in serried ranks, but in open files. There mingled emigrants from all the States and from Europe. There humanity was to be molded into effective order, and all forms of superior labor could win the open harvest. Industry, patience, talent, worth, were sure of early appreciation and of final success; and he was not disappointed.

The civilization of the West opened its gates wide to the ambition of the young lawyer and orator. The oriental arts of intrigue and adulation had here no place. Instead of their narrowing effect,

his splendid gifts found a sphere as boundless as the unbroken horizon of his adopted State. Under the bountiful nourishment of an appreciative people he advanced quickly to the front rank of men.

In the Supreme Court and in the Senate his intellectual characteristics gave him an exceptionally brilliant position. He awakened the sedateness of both by his incisive logic, and startled each in turn by pungent satire and illuminating wit. In his presence no circle could be dull and no audience drowsy. No artifice escaped his perception and no pretense could survive his assault. Brave in intellectual fight, he nourished no bitterness toward his foes. Sympathetic in nature, warm in friendship, brilliant in intellect, independent in criticism, generous in hostility, glowing in oratory, and distinguished in position, for a full year he was obliged to look straight into the face of coming Death; and then he departed in the earlier ripeness of his rich manhood.

Mr. Speaker, there is unhappily left to us, his former friends and colleagues in this great parliament of the nation, only the melancholy satisfaction of laying these tributes of our affection and respect upon the grave in which his ambitions and our hopes of him alike lie buried.

Address of Mr. CASWELL, of Wisconsin.

Mr. SPEAKER: I cannot permit this occasion to pass without adding a few to the many fit and proper words which will be spoken here to-day upon the life and character of so great a man as MATTHEW HALE CARPENTER. It was my good fortune for some years to receive advice and instruction as a student in his office, and I learned to know the man and his great worth as one only can know who saw his daily walk in private as well as in public life. He was a man who drew after him a friendship which did not depart. The more one knew of his traits of character the better

he loved him. His warm, impulsive nature, his generous heart, and great fund of knowledge drew about him a circle of acquaintances who were charmed into a life-long attachment. When I first made his acquaintance he had practiced at his profession only two years, but he had already gained a reputation and experience seldom enjoyed by others in a half score of years.

Mr. CARPENTER was a cadet at West Point, but he soon found there was a field for his labors more adapted to his nature and talents, and where his brilliant mind could find unlimited sway. He left the Military Academy and began the study of law, first with Governor Dillingham, of Vermont, and lastly with New England's distinguished lawyer and advocate, Rufus Choate. He went, as it were, to the fountain-head for his law and his style of oratory. When there, he imbibed the ambition to rival, at some day, even his instructors. It was the pride of his heart to be placed in history alongside of Choate and Webster, and I believe, as I have heard him say, while yet a youth, he preferred a single feather from the plume those men wore to all the wealth which human hands could acquire.

In 1848 Mr. CARPENTER completed his studies and obtained admission to the bar. He was then twenty-four years of age. The far West was promising homes and success to the young and enterprising men then stepping into active life. His great love of fellowship, his admiration of the people, and desire to grow up with them, turned his footsteps westward, to seek honor and fame among the pioneers of Wisconsin. He settled that year at Beloit. At once he entered upon the practice of his profession, with an industry seldom witnessed.

Not content with American or local authorities, he looked to a broader and more comprehensive discussion of the common law. He went to the Code Justinian, to Coke and Littleton, for the great fundamental principles which should underlie and control the ad-

judication of his cases. He labored hard to settle the law of his adopted State in accordance with the old and well-defined rules of the common law of England. His great efforts at the bar, as well as in the Senate, were uniformly strengthened by references and appeals to these principles.

With his learning and talent, progress was most easy and rapid, and he was soon an acknowledged leader at the bar, alongside of the ablest lawyers in the West. He not only loved the law and studied it as a student would study, but he sought with eagerness that general knowledge which is found in miscellaneous reading. Rare passages and choice thoughts, beautifully expressed, were selected and committed to memory, until his mind became a storehouse full of literary treasures, from which he could draw at will.

With a mind thus enriched he would turn a long and otherwise tedious trial into one of life and interest. His persuasive power and easy flow of language, his plain expression and simple style, made him an advocate who carried conviction to all who heard him. In a conflict he was like a majestic lion in the path of his adversary, but those he would convince he approached with a golden thread of truth and reason. On the trial of a cause he would concentrate all his learning and ability, and with masterly skill wrestle as though life depended upon the result. In his client and his cause he firmly believed, and, believing, he turned not aside, but whatever of knowledge or tact he possessed was summoned to his aid and applied with marvelous success.

When he died he owed nothing to the bench or to the bar; he had not taken from, but had added to, the law; always aiding the court with his arguments and reason, and all who heard him listened with profit. His briefs and labored arguments enlarged upon and extended the legacies of our ablest law-givers. When commentaries, lectures, and codes were exhausted; when neither the civil nor the common law could reach the emergency of his case,

he would often appeal to the divine teachings of Christ and the Apostles as the true source of all that was good and wise.

At the close of the war, new questions arose, involving the condition of the States which had attempted to go out of the Union; also of the rights of the people residing therein. He was among the first, as my colleague has already said, to devise and point out a plan of reconstruction. He believed in a government by the people, and he would remand the citizens of those States as soon as possible to the forms of self-government according to the letter and spirit of the Constitution. His plan and views were adopted in the main, and to him we are largely indebted for the settlement of these questions.

Before his connection with this subject he was little identified with politics, though he had always belonged to a party, and was ready when occasion required to assert his beliefs. When the war broke out he arose above all parties and knew only his country and its safety. Whenever and wherever the government was assaulted he was ready to defend, and when the conflict raged fiercest his voice rang out through the land from the east to the west in support of the party that could best save the Union.

In 1868 he took a seat in the American Senate.

As he had gained distinction at the bar and upon the stump, so he acquired eminence as a statesman in the Senate. He found there a new forum, and there he met foemen worthy of his steel. He could there speak, not for a single client, but for a whole nation. He thus became possessed of that which few enjoy, eminence as a lawyer and statesman combined. Mr. CARPENTER was noted for his social qualities. Though possessed of a courage to do right, he was tender of the feelings and opinions of even his adversary. His generous nature would not permit him to take undue advantage of the strong or turn a deaf ear to the weak. For the poor, his pity and sympathy were of easy touch. His forgiving kindness would

well-nigh murder justice. Charity had a strong abiding place in his great heart, and if he erred at all it was in obedience to her commands. His own comfort and ease was his last thought. For a year before his death he must have known its silent but sure approach. This, however, detracted nothing from his wonted cheerfulness, and those who knew him best scarcely discovered his failing health, certainly not his dangerous condition. His kind treatment to all, and his merry laugh, continued the same up to a few days before his death. Each day he greeted his friends as he did in the morning of life. He concealed his sufferings and gradual dissolution until he met them no more. To the very last his mind retained its vigor, never wavering, never clouded. We cannot realize how death can hush to silence so much at one stroke. In a moment of time that great soul and life took its flight, and henceforth will abide with us no more.

But I must pause. The virtues of the man need no attestation from me. They are known where he was known. They cannot be disguised or hidden from sight, but like the stars in a cloudless night they will continue to shine while time shall last. If we would praise or eulogize him, if we would make for him robes of pearl, we could do no better than recount his daily walk.

Address of Mr. DUNNELL, of Minnesota.

Mr. SPEAKER: The eminent Senator from Wisconsin, whose earthly life ended amid the closing days of the last Congress, and to honor whose name and memory these ceremonies are now had, acquired no obscure niche in the temple of fame dedicated in the public mind and memory to a record of the men who, during the period of our national existence, have given conspicuous honor to the professions and avocations demanding for their successful prose-

cution great talents and large attainments. The name of MATTHEW H. CARPENTER will be held in fresh remembrance by this generation, and readily bring to mind the brilliant and learned lawyer and orator. His speeches from the rostrum, and the floor of the Senate, and his arguments before the highest courts and tribunals of the land, will long hold their place among the utterances of the great men to which time brings no loss of attractiveness or admiration.

Senator CARPENTER, in his professional and public career, was abreast with the first men of his time. Death had, indeed, too great a victory when it took him from the stage of action. Though it made its inexorable demands and fully disclosed its relentless character, yet its victory was only that the grand career should terminate, that further labors and other triumphs and life itself should not be, yet it could not take away his well-earned fame. That lives and will live, conquering even the incursions of time.

> Death makes no conquest of this conqueror,
> For now he lives in fame, though not in life.

Others can better dwell upon the events of his remarkable life, and have already done so. It shall be mine, in a few sentences, to seek the grounds for the undisputed place he had in the public mind when death came, and the universal esteem and love in which he was held by the people of his adopted State.

Those who heard him oftenest in the Supreme Court of the United States bring the highest tributes to his profound acquaintance with the first principles of jurisprudence; to his singularly acute, ready, and logical mind; to his marvelous power of labor and research; to his unerring grasp of all the points involved in the given case, and to his rare forensic powers. I am willing that some of them should speak for him here.

When the bar of the Supreme Court of the United States met in the court-room on Monday, March 7, 1881, to pay a fitting

tribute to the memory of the deceased brother, Senator Thurman said:

It might seem to be almost superfluous to say to this audience who he was and what he was. There is perhaps no one here to-day who has not witnessed some one or more of those remarkable displays of forensic eloquence and of legal learning for which he was so justly distinguished. There are but few, if any, lawyers in the Republic who have not heard of his fame; for it was as widespread as the continent.

Hon. Jeremiah S. Black, on the same occasion, in a speech of great beauty and tenderness of sentiment, among other words, said:

But when we think of his great wisdom and wonderful skill in the forensic use of it, together with his other qualities of mind and heart, we cannot doubt that in his left hand would have been uncounted riches and abundant honor if only length of days had been given to his right. As it was, he distanced his contemporaries and became the peer of the greatest among those who had started long before him. The flow of his speech was steady and strong as the current of a great river. Every sentence was perfect; every word was fitly spoken; each apple of gold was set in its picture of silver.

Senator Garland said:

This is not an ordinary occasion, and it excites in all of us no ordinary feelings, for we have met here to pay the last honors to one of the remarkable men of this remarkable age and this remarkable country.

Attorney Embry said:

In his professional and public life he consecrated himself wholly to the great work before him. He bowed before the altar of duty, lighted by the torches of resolution and fidelity, and made his physical strength a martyr to his intellectual energies. He cherished a sacred reverence for the Constitution of his country, and, as an American Senator, he guarded it with sleepless vigilance as the only pure fountain whose living streams refresh, invigorate, and sustain the national life. In law he was an artist, like Michael Angelo in virgin marble, who, "fashioning the daintiest forms of beauty, handled his chisel and his mallet as if he were hewing a pyramid."

These are remarkable testimonials, and from men high in public confidence.

Senator CARPENTER was loved and honored by the people of Wisconsin, for he had by nature, and exhibited them in daily life, elements and traits of character which always bring admirers and followers. He was sincere and truthful. Conviction pointed out

to him the path of duty; it defined the obligations which he should assume and discharge. He honestly believed in the political party to which he joined himself, and cheerfully accepted its creed for his guidance. His defense of its principles was always manly and far removed from the modes and practices of the demagogue. He won the people in his political debates, for his appeals in their behalf, though always eloquent, sought to take the reason rather than the passions. He labored in honorable argument to convict the judgment of those who came to hear him. He treated them as his peers in the honors and responsibilities of citizenship, and would have them follow him only as they were forced to do so by the unanswerableness of his facts and arguments. The people may laugh at the anecdote of the orator who seeks only to please, but they will follow the orator who renders his principles unassailable by intrenchments of undeniable fact and well-built arguments.

The eminent statesman whom we seek to honor by these services, was bold and frank. He could not, from his very nature, play the coward or the deceiver. He boldly took his positions and frankly proclaimed them. He may have erred in judgment at some time, and, indeed, many times, but he could not purposely mislead. His openness, his freedom from deceit, gave him the hearts of the people. For these, they loved him and yielded to his arguments. These known and felt qualities of heart made him invincible. Estrangement cannot last long between a popular leader and his friends, where the former thus bears himself. The return of Mr. CARPENTER to the Senate, after a short retirement, attests the correctness of this statement.

The great orator and statesman was generous and kind. His deeds of charity were many. He would defend the poor man with all his wealth of learning and eloquence when no fee could be expected. His early struggles against poverty had put him into sympathy with the unfortunate. His goodly nature, aside

from his personal experience, had made him the friend and defender of the poor. The eminent lawyer and accomplished orator was at the same time the ready friend, the kind, sympathetic supporter of him who was ready to perish. Herein was honor. Hence shall come the sweet memories of noble deeds, following into the distant future the name of him who performed them.

> The drying up a single tear has more
> Of honest fame than shedding seas of gore.

Senator CARPENTER acquired no wealth while in public life. His poverty increased while in the councils of the nation.

In conclusion, great attainments in the science of law and of government, qualities of heart making him the object of sincere and trusting love with the people, unsurpassed devotion to principle and duty, a public service wholly free from all taint of corruption and even doubtful gain, make it easy to record our profound respect for his noble life and character. He dignified labor, learning, and Christian charities. The nation mourns him. Her halls of legislation are now dedicated to a recital of his illustrious life and character. Beyond this we cannot go. We leave him and his name to the just work of impartial history.

Address of Mr. HUMPHREY, of Wisconsin.

Mr. SPEAKER: The mantle of winter was still lingering over the landscape, spring was struggling to emerge from the dead past into new life, while nature was striving to break the bands of her environment to deck her with garlands of roses and clothe her in mantles of green. Amid these contending forces the mind of MATTHEW HALE CARPENTER was contemplating the great unchangeable change his spirit was awaiting. Surrounded by all that was dear to him in life, when the summons came, without a

murmur his spirit passed from earth into the realms of the everlasting.

The funeral obsequies at his home in the Cream City of the West bear the clearest testimony of the very high and distinguished honor in which he was held by her mourning people. Legions of citizens of all ranks and conditions, clothed in the emblems of mourning, crowded every avenue to join in the last sad rite the living can pay to the dead—tenderly and lovingly laying him to rest where the blue Michigan laves her western shores.

Yes, MATTHEW HALE CARPENTER is no more; but he will live in unfaded memory of his noble and generous heart, his fullness of manly qualities, his illustrious and brilliant career.

No words of mine can do him justice, nor can I in fitting language portray the powers of his eloquence, his profound knowledge, or that exquisite tension of mind which developed his genius and understanding.

Born and reared among the rugged hills and mountains of his native State, whose primeval forests were ever pointing upward, he seems to have been inspired by their grandeur and sublimity, and taking for his motto "onward and upward," his young mind determined to grasp and solve not so much the laws by which nature had been guided in forming her rock-ribbed mountains and the forms of snow which capped their lofty peaks as the laws which lead his fellow-men on and up to a better civilization, which give peace and permanence to nations and the highest degree of social order to the people of a commonwealth.

When we say he was an eminent lawyer we have bestowed but a half meed of praise, and we only do justice to his memory when we say that he was not only learned, brilliant, and eloquent, but that he was as profound as he was eloquent.

When he arose to address the court upon any question of great moment, he had only to proceed to a mere statement of the case to

convince you that it was a mere toy—a plaything in his hands; that untiring energy and ceaseless toil had attended his steps by day and unwearying vigils had been his only companion by night. Sometimes in the opening of the case, but most frequently in the midst of the argument, his heart would seem to hold back the great depth of thought which impelled him, that his brilliant imagination might for a moment have full play and invest the theme with a charm that would captivate and entrance the hearer; then in quick succession would follow, as does the artillery of heaven her brilliant flashes, the full weight of concentrated thought and power of his reasoning until the argument forged by the hand of genius appeared in all its proportions of strength and beauty.

It has been said that energy and perseverance, added to an unflagging spirit, are a full substitute for genius; but here we find genius leading captive at her will, while energy and perseverance are proud to follow in her train.

That MATTHEW HALE CARPENTER was a student none who knew him will gainsay or deny, and in his legal pursuits he entered every domain that could furnish him materials for legal store or the bread of legal life and strength.

Like Chancellor Kent, he had great delight in the study and contemplations of the principles of the civil law, and as that eminent and renowned law writer has done more than any other to soften the asperities of the common law by ingrafting upon it some of those principles of the civil law which will ever shed luster upon the jurisprudence of this country, so did he whose life we are now contemplating seek among things new and old, principles which, when once clothed upon by that perspicuity of reasoning for which he was so eminently distinguished, will ever tend to elucidate and adorn the spirit of our laws.

He well knew that there was not a principle laid down by any

law writer in Christendom which had not its foundation in the Pentateuch; therefore, he not only consulted the Genesis of Man, but the Exodus and Judges of Israel; history, philosophy, theology, and law, all were companions which he entertained with great zest and delight, and from which he could at any moment select the choicest materials and at once invest his cause with an interest as solemn and a charm as fascinating as the most illustrious Roman senator or Athenian advocate.

In private life his warm and genial manners, added to his fine conversational powers, drew to him very many warm, sincere, and trusting friends, and when recreation for a season drew him aside from his arduous labors it was with the most lively satisfaction and pleasure that he gave himself up to the full measure of social enjoyment—his conversation sparkling with gems of wit and humor, his manner as frank, tender, and trusting as a child; his countenance gleaming with unmistakable evidence that neither malice nor revenge found any resting-place in his heart, that neither avarice nor arrogance had ever disturbed her seat.

In view of what has been said, it must be apparent that his success at the bar was marvelously rapid, and that it was as substantial as it was rapid, and in a few short years his renown as a lawyer had passed the bounds of his State and his fame had become national.

Having been retained in the famous case "In the matter of *ex parte* William H. McCardle, appellant," he appeared before the United States court to argue the case in behalf of this government, and we venture the assertion that few cases have ever been presented before that court with greater ability. The opening was a masterpiece of oratory, at the same time showing a modesty of demeanor becoming one so much younger in years than the venerable and eminent counsel opposing. To illustrate his noble and exalted comprehension of the office and obligation of the law-

yer, the advocate, we will quote his words in the opening of that noted case. Said he:

> This is the first time in the history of the world that a bench of judges has been invoked to redress the wrongs, real or imaginary, of eleven millions of people, and to establish the authority of ten pretending governments. Such controversies have been decided by force, not by reason; in the field, not in the courts. Waterloo determined the fate of Napoleon, and he went in sullen silence to his ocean rock, never dreaming of the *habeas corpus*. No lawyer can argue, no judge decide, this cause without a painful sense of the responsibility. Its consequences will be upon us and upon our children, and generations yet unborn will rejoice or mourn over the principles to be here established. This court has been told, not for the first time, that it is the great conservative department of the government; that if it does not keep constant vigil over the other departments they will rush, as would the planets without the law of gravitation, into "hopeless and headlong ruin." There is nothing within the circle of human emotions, unless it be the pleasure with which a lover praises the real or imaginary charms of his mistress, at all to be compared to the delight experienced by a lawyer in glorifying a court. It results from our studies and our training that we entertain the utmost reverence for those who must declare what the law is. Within proper bounds this is commendable, but the bar in a free country often have higher duties to perform, and this adulation of judges may be carried to excess. The judges of this court, like the Apostles of our Lord, are men of like passions and infirmities with other men.
>
> The bar stands in much the same relation to the court that the prophets held to the ruling powers of the ancient dispensation. It is our duty, when the occasions require, to admonish and warn, and that, too, whether courts will listen or whether they will refrain. There are times when general truths should have personal application, times when a prophet in Israel must say to a king of Israel, "Thou art the man." But to do this he should be a prophet and not a mere technical Levite. He should stand among his brethren like Saul among the multitude, head and shoulders above them all. So, too, the counsel to say what ought to be said here should be one venerated for his age, admired for his wisdom—one who could command audience in this court as it has been said Wellington commanded attention in the House of Lords, not for elegance or art in arranging an argument but because he had done the things. He had stood beneath the shell-rent tree while the fate of Europe was being determined at Waterloo.

Mr. Speaker, I can pronounce no encomium or eulogy at all to be compared to this. I will not attempt it. Since that day, twice elected to the Senate of these United States, how often, to use his own language of another, has he been known to "shake the foundations of the Capitol" in the discussions that have agitated that

body. Veneration for free institutions, reverence for the laws, he could not repress. He was every ready to pay them the highest homage.

Enshrined in his heart were those imperishable principles which are the bulwark of our social fabric, which have a destiny higher than that of states, and were so eloquently enunciated by the most renowned writer of any age on ecclesiastical polity: "Of law there can be no less acknowledged than that her seat is the bosom of God; her voice, the harmony of the world; all things in Heaven and in earth do her homage—the very least as feeling her care, and the greatest as not exempted from her power; both angels and men and creatures of what condition soever, though each in different sort and manner, yet all, with uniform concert, admiring her as the mother of their peace and joy."

Address of Mr. ROBESON, of New Jersey.

Mr. SPEAKER: Mr. CARPENTER was one of the highest types of that personal and public character which is produced only in a country and under conditions like ours. A nation gathered from the vitality of every land, uniting in one community the enterprise and progressive energy of every people, and kindling it with the associations of every race, with a continent as a birthright and freedom as a franchise, it is fit that we should be, as a people, the leaders and the champions of freedom and progress, for ourselves, not only, but for all the peoples of the earth.

A nation not "born on the soil" which it inhabits, nor growing either with its physical development or its progress from barbarism, but transferring, by colony and occupation, the customs and habits, associations and ideas, principles and laws of other ages and older continents, to control and direct the undeveloped resources

and unorganized elements of the new, demands and obtains, in the directors of its thought and the leaders of its action, physical and mental qualities more rarely needed, and therefore more rarely produced, in other lands and under other exigencies of civilization and progress. It is of the nature of man to rise in spirit to the level of the great action of which he is a part. The heart dwindles in contact with small things and petty interests; but when brought in contact with great ideas, stirred by strong feelings, striving for great ends with desperate energy, and pouring on the altar of success the most terrible and precious sacrifices, then the human heart, developing the germ of its immortal nature, rises to the height of the loftiest ideas, and enlarges to the compass of the broadest principles. Deep and firm foundation in the axiomatic principles of government and organic law, close and severe training in the application of fixed principles to new and changing conditions, accurate and unwavering logic which has the courage of its own conclusions, an honest mind that submits to the sway of its own real convictions, and, higher than all, an inherent perception, which, when invoked in the cause of truth, rises above the mists of doubt and shakes off, at will, the trammels of mere reason, until knowledge ripens into wisdom, and judgment which is human melts into faith which is divine—these are some of the qualities which are invoked and raised in the progress of a civilization like ours.

In our American Pantheon, the future student of his country's history will find the statue of MATTHEW CARPENTER standing with a group, the luster of whose fame will lighten but not obscure his own—Madison and Ellsworth, Hamilton and Marshall, Calhoun and Kent, Webster and Taney—these are the men with whom his great faculties will forever associate him; and of them all, there was not one who held a principle with a stronger grasp of logic, or lightened a subject with brighter rays from that higher realm of consciousness and feeling, where truth shines like the "day-spring,"

and where genius soars like the eagle toward the sun. The friends of the right stood surprised and delighted when he bore it, on the strong wings of his power, beyond their reach, to the clearer atmosphere of ethereal light, and fixed it as a star in the firmament of eternal truth; and the champions of the wrong were scattered and dismayed when, stooping from his companionship with the sun, he struck it with the weapons of Heaven.

Mr. Speaker, the pressure of public duty has prevented me from paying a more matured and fitting tribute to the memory of my friend, but I should feel that I had been recreant to the best feelings of my heart if I had not paused long enough to lay my simple wreath on the tomb which covers the mortality of this great lawyer, statesman, and patriot.

Address of Mr. HAZELTON, of Wisconsin.

Mr. SPEAKER: The death of MATTHEW H. CARPENTER, standing pre-eminent as he did in the nation's eye as a jurist, orator, and statesman, creates a void that cannot soon be filled or soon forgotten. Not far beyond life's noon, his sun went down into the night of death, but its splendor still lingers athwart the western sky, and another illustrious name adorns our American roll of honor and fame. The muniments of his title to be ranked among the worthies of American history and secure the lasting remembrance of the American people are largely enrolled in this capital of the free, where for a quarter of a century and more he spoke as an advocate or Senator, and where the light of his life went out forever.

And as it was with Clay and Adams, as it was with Sumner and Collamer, with Stevens and Morton, with Chandler and Burnside, this solemn memorial ceremony is no idle form; for oratory cannot weave a garland of praise or love that his sweet nature and com-

manding genius did not merit. What could be more appropriate than this customary pause in the active duties of national legislation to offer a tribute of friendship and eulogy to those of our associates who fall from time to time at their high post of duty to be seen by us on earth no more.

And now, turning from the new-made grave of the dead Senator to a retrospect of his life and its results, his long line of distinguished service in the forum of justice, his career in the arena of politics, his gifted contributions to oratory and literature—

> Fruits of a genial morn and glorious noon,
> The deathless part of him who died too soon—

and then to undertake an analysis of those elements of character which gave him commanding power and influence among men, that made his presence the charm of every social circle, and to those who "sought him, sweet as summer," I can but realize how inadequate is this occasion and how weak my ability to do justice to his memory and his fame.

I know but little of his boyhood history, except that, with the blood of the Pilgrims in his veins, he started out from among the free homes and altars of New England, solitary and alone, to make that journey which has just ended at the gateway of another existence. He commenced with genius for his scepter, and for his fortune, poverty. The extremes of his life illustrate the marvelous opportunities for success afforded by free institutions; and this life-picture in its triumphs stands not alone in the history of our humanity. To paraphrase the language of Griffith to the Queen:

> From his cradle
> He was a lawyer, and a ripe and good one.

The early inspirations of his life inclined him toward the profession for which his natural powers were best adapted, and it is on this line of development that his genius shines with its purest lus-

ter and his fame finds its strongest and surest foundations. From that period of his existence when he was first capable of fixing his true course he never surrendered his purpose and his determination to reach the front rank of the American bar. On his way up, some generous spirit assigned him to West Point, and, remaining there but two years, he resigned to resume the golden thread of his true ambition.

In his profession he was a tireless student. And if he had the advantage of intuition in the consideration of a cause, no essential fact escaped his notice and no principle of law remained unexamined.

All through his professional life he gathered the choicest books of law and literature, until his library grew to magnificent proportions and became a part of the rich heritage left by his death. All along its pages are the annotations of his pencil, and he who undertakes to follow him will grow weary on the journey. He knew all "the paths the worthies held," and the opinions of Marshall and Storey and all the writings of the great publicists read to him like a romance. He became familiar with all the authorities and the principles and practice of the civil and common law, with the code and all that pertained to it. Such marvelous facility, such strength and practical knowledge had he acquired in the wide range of his profession, that there was no court of justice on earth whose adjudications were in the English language before which he could not easily and readily practice. Lawyers who could do this are few in any age or any country. As a trial lawyer few men ever held a keener lance; and in the courts of final resort he was welcomed as an oracle of the law.

Adopting the State of Wisconsin as his home and the theater of his early professional career, he commanded the leading practice of the Northwest, and through his untiring devotion to the law and through his commanding ability and force of character pushed his

way on to the highest judicial forum of the nation, where he became the recognized peer of its ablest advocates—of such men as Reverdy Johnson and Black and Cushing and Evarts.

"If," said Sir Isaac Newton, on one occasion, "I have seen further into science than others, than Columbus or Kepler or Descartes, it is because I have stood upon the shoulders of giants." So he of whom we speak, mounting the shoulders of the older giants of the profession, in the growth and spirit of free institutions, and in the light of new principles and broader demands constantly arising in our progressive civilization, became stronger than they who were masters in another day and generation.

The nation itself, in an exigency of great importance to its welfare, recognized his ability in law when it summoned him to advocate and maintain before its highest judicial tribunal the constitutionality of the reconstruction acts, and his great argument in later days gave construction to the fourteenth amendment of the Constitution—a construction affecting the rights of untold millions of men and perhaps for all time.

So well and so ably did he present the McCardle case, involving the constitutionality of the reconstruction acts, that it became the bridge over which he passed into the Senate of the United States, where his legal acumen was destined to blend with the polity of true statesmanship.

In the Senate he was conspicuous from the beginning for his profound knowledge of constitutional and parliamentary law, and at the threshold of his service challenged its oldest and ablest members in debate on the most intricate questions of international and constitutional law, and those great measures of national legislation ever found him equal to the emergency.

Among the fruits of his handiwork is the judiciary act, now the guide of the courts of the land; and upon the pages of all important debates he stamped the impress of his great intellect. He

made one mistake, and that was in the endeavor to divide his energies between the duties of that great body and the continued practice of the law. No man can serve well two such tyrant masters.

And now of his nature and personal qualities let me speak a word—speak of him as he was:

> Nothing extenuate,
> Nor set down aught in malice.

He was by nature great, and generous, and honest. As a lawyer he waged warfare on the highest plain of honor. He sought no advantage through favoritism, and won no victory by doubtful methods. He despised a court, high or low, that was not pure and unsullied. His courage in the conduct of a cause was the sublimity of heroism, and his fidelity to his clients was never open to suspicion. With the weaker side he was ever generous and forbearing, and to the poor he gave opinion and counsel without money and without price.

There was no malice in his heart and no tyranny in his nature. If he had been born a king he would have ruled his subjects with a scepter of love. "In his right hand he ever carried gentle peace to silence envious tongues." All the world knew his faults as well as his virtues. There was nothing hidden in his nature. The life he lived and the battles he fought were as on the mountain tops, still open to view, and where the sunshine of his victories still gleams.

He was a most attractive man in his physical development. Nature rarely fashions into manhood a form so perfect and a presence so commanding. It was my good fortune in boyhood days to look upon Mr. Webster and hear him address a popular audience in New England. His great utterances still echo in my ears, and his godlike mien, in all its varied powers, still remains a bright picture on the walls of my memory. No man ever saw and

heard Mr. CARPENTER under like circumstances that did not retain the impression of his great presence for a life-time. I bear him in remembrance as he appeared in the majesty and beauty of his manhood's strength, when his shoulders seemed broad and strong enough to bear the weight of nations, and "his look drew audience still as night or summer's noontide air." I bear him in remembrance as he came in the days of war from the forum of justice to the tribunes of the people "to speak the word which wins the freedom of a land,"

> And lift for human rights the sword
> That dropped from Hampden's dying hand.

Who can tell how hard and sad it is to realize that his great life is ended; that he whom I knew and loved so well is now numbered among the dead?

Dead in the crowning hour of public usefulness, in the prime of a manhood still rich in promise, and like a stately tree full of leaf, and bud, and flower, and fruit.

> Dead! while his voice was living, yet
> In echoes round the pillared dome,—
> Dead! while his blotted page lay wet
> With themes of state and loves of home.

A mourning nation bore his ashes back to the State he had loved and honored, and gave them over to the loving hearts that had sustained him in his life, and will cherish his memory now that he is gone. There they buried him by the blue waters of Lake Michigan, amid the snows of a northern winter, beneath primeval oaks that stand as sentinels over his grave, while his great, generous spirit was at rest in the bosom of that Infinite Being "whom we call God, and know no more."

Address of Mr. ORTH, of Indiana.

Mr. SPEAKER: The American Congress is again called upon to render the tribute of respect due to the memory of one of its recently deceased members; to make at least a brief record of its knowledge and appreciation of his virtues and talents, of the more prominent incidents of his private life and public career, and to tender condolence and sympathy to bereaved relatives and friends.

We bow submissively and reverently to that sublimely mysterious power, Death, before which all human opposition is vain, which removes the monarch from his throne as ruthlessly as the peasant from his cottage, and which enters with the stride of a conqueror into the high places of earth, mocks at a challenge of its authority, which it exercises with absolute and uncurbed sovereignty. We are living in a busy, ever-changing world; time moves so swiftly, events succeed each other with such rapidity, that the memory of the scenes of yesterday is to-day already beginning to fade, and by to-morrow will almost be forgotten.

We are reminded by the solemn exercises of this hour that scarcely one year ago MATTHEW HALE CARPENTER, the great Senator from Wisconsin, was a most prominent figure in American jurisprudence, politics, and legislation; one day expounding the law, unfolding its intricacies, and applying its truths in our highest judicial tribunal; the next day standing in the Senate, the peer of any of his associates, and with equal ability and learning mastering the great underlying principles on which our government is founded, and seeking to ingraft and impress them upon the legislation of the country. But his voice is hushed in death and his once commanding form is moldering in its mother earth.

The jurisconsult, the Senator, is gone. "Alas! what shadows we are and what shadows we pursue!"

In court his vast erudition, his indomitable energy, and his constant vigilance made him a most formidable adversary. He understood the science of the law as familiarly as most men understand the alphabet. He understood it in its most general and comprehensive sense, in its essence and its spirit, whether ancient or modern, and was equally familiar with Justinian, Blackstone, and Story.

He was a successful lawyer because he loved the law and knew that, like a jealous mistress, it would endure no rival, but demanded undivided attention. What were conflicts of the law to most minds were to him only apparent, not real; its intricacies he readily disentangled, and its abstruseness, under the touch of his genius, lost its obscurity and vanished as the dew vanishes on the approach of the morning sun.

In the Senate he was ever a most fearless and able debater, thoroughly posted upon every subject which he felt himself called upon to discuss, and bringing to such discussion an amount of learning and research that never failed to shed upon his subject additional light, however exhaustive might have been the arguments which preceded him.

He loved his country, and cherished a most ardent affection for our history, our institutions, our laws and literature, our glorious victories in war, and our more eminent achievements in peace.

It was this love of country which made him so useful and so successful in his legislative career. No man should ever be intrusted with the high responsibility of making the laws of his country who does not love it with all his mind, with all his heart, and with all his strength.

As a legislator he strived to make the people better, wiser, and happier. He sought to place upon the statute book the principles of justice, of liberty, of equality, and his voice was ever heard and his vote ever recorded on the side of these sterling principles, upon

the success of which he believed depended the present peace and happiness and the future safety and glory of his countrymen.

He was a courageous man, having the courage of his convictions, and from it no hope of temporary advantage could ever tempt him, no sophistry could pervert his clear judgment, no flattery could cause him to swerve from the right, and no solicitation could induce him to pursue the wrong.

Strong in the conviction of a well-matured and equally well-balanced mind, he stood firm in the conscious rectitude of his position, and hence he was a safe legislator, a wise counsellor, and a true friend. Thus accoutered, he went forward to the discharge of life's duties, looking neither to the right hand nor to the left; taking no counsel of doubt or fears; heeding not the blandishments of power, and spurning the slightest suggestions of "stooping to conquer," or of bending

> the pregnant hinges of the knee,
> That thrift may follow fawning.

He stood erect as God created him, and dared to do right for the sake of the right.

During his residence in this city I met him often and knew him well. His was indeed a most kindly, generous nature—tender as a woman and guileless as a child. No one ever approached him for charity and was sent away empty. No one ever sought his advice in hours of trouble and despondency that did not receive full sympathy, generous counsel, and heartfelt encouragement.

His heart and his hand were always ready to succor and befriend. That heart has ceased to beat; that hand has lost its cunning. In dropping a tear to his memory let us also invoke Divine Providence to grant to our beloved land many more such sons!

Address of Mr. TYLER, of Vermont.

Mr. SPEAKER: It is fitting that the representatives of a great republic should pause for a day in their accustomed duties to eulogize the character of a departed statesman and to invite the living to emulate his example. We need also to remind ourselves that we are mortal. In the rush and excitement of public life we can hardly realize that death may come and seize those who seem the strongest and best equipped for the contest. Public men, elated by temporary distinction, forget how soon a new audience will greet new actors, how soon their words and deeds will fade from memory.

> The eternal surge
> Of time and tide rolls on, and bears afar
> Our bubbles.

The power which appoints our lot is inexorable. Death is common to all. It neither passes by the humble nor treats the great with homage.

> Pallida mors aequo pulsat pede pauperum tabernas
> Regumque turres.

Though Senator CARPENTER served only eight years in the Senate, and died while yet in the prime of life, he made for himself an enduring reputation, and placed his name in the galaxy of America's eminent statesmen. But, distinguished as he was in the halls of legislation, he perhaps won a more enviable fame as a constitutional lawyer in the Supreme Court of the United States. He was a master of the legal science and a natural orator. The people of his native county well remember his early efforts at the bar and the promise he gave of forensic achievements, since then so well fulfilled. Richly gifted in mind, with a voice of marvellous power and sweetness, and with such models before him as Dillingham of

Vermont, and Choate of Massachusetts, his early instructors in the law, the way to high distinction as a public speaker opened easily before him. Alas, while we speak his silvery voice is hushed, the fires of his wonderful genius for earth are quenched forever.

The State of which I have the honor to be a Representative comes with her young sister of the West to bring her offering to his memory, because he was a great lawyer and statesman, an eloquent orator, a man of the kindliest nature, and also because he was born and passed his childhood and youth among her green hills; because she watched with intense interest and pride his brilliant career from its beginning until its close, and because she honored him as her own son.

It was a favorite theory with the ancient Greeks that their ancestors sprung directly from the earth, and their love of country was greatly intensified by the belief that their native land was literally their mother. On the occasions when they pronounced funeral orations and performed sacred rites in honor of their heroic dead, they first eulogized the land that gave them birth. Every country produces its men and stamps upon them its own characteristics. It is proverbial that the dwellers in mountainous lands are lovers of freedom, and it is doubtless true that Senator CARPENTER'S native State, of which an early poet said,

> 'Tis a rough land of rock and hill and tree,
> Where dwells no titled lord, no cabined slave,
> Where heart and hand and tongue are free—

gave him something of the vigor of thought and independence of character for which he became distinguished.

This is an occasion for eulogy, an occasion to testify to the worth of a deceased statesman, to express personal regard and appreciation of valuable public services by him rendered rather than to criticise his character. And this is just eulogy, that Mr. CARPENTER possessed intellectual faculties of great power and brilliancy,

and that he also had a genius for labor. He did not trust to luck or artifice or mere ingenuity for his success. His speeches in the Senate and on the platform, his briefs and arguments in the courts, are evidence of severe mental toil. He realized that

> The heights by great men won and kept
> Were not attained by sudden flight:
> But they, while their companions slept,
> Were toiling upward in the night.

It may also be justly said of him, as was said of Lord Mansfield, that he was animated by a sincere desire to be of service to his country and by a noble aspiration after honorable fame. In future years, when those who inherit his name read of his public and professional work "in records that defy the tooth of time," especially his expositions of the Constitution of his country, they will have the proud satisfaction of knowing that this end of a most laudable ambition was reached.

To us it seems that Senator CARPENTER's death was premature, that his life-work was incomplete. When we think of the possibilities of his genius we deeply regret that he could not have lived to old age, his powers unfolding with the unfolding years,

> Till, like ripe fruit, he dropped
> Into his mother's lap; or was with ease
> Gathered, not harshly plucked, for death mature,

rather than that his light should have gone out in the zenith of its splendor. And yet few names will stand higher on the roll of American lawyers than that of MATTHEW HALE CARPENTER, and few men indeed have passed into the great future more respected by political opponents or better loved by friends than he. And there is consolation in the belief that the mind never dies, that its powers are only transferred to a broader and higher sphere of action, that

> There is no death
> To the living soul, nor loss, nor harm.

Address of Mr. BUTTERWORTH, of Ohio.

Mr. SPEAKER: It occurs to me that the picture of this noble life is already complete. I may mar, I can hardly hope to improve it by what I may say. I shall detain the House but a moment.

Mr. Speaker, the elements and characteristics in the moral and intellectual make-up of the deceased whom we are met to honor, and which gave him conspicuous prominence among his fellows, have been adverted to. 'Tis needless that I recount them.

The record of a noble life is that life's best eulogy; the history of the deeds of worthy men their most lasting epitaph.

This memorial service is for the living, not for the dead. If we, the living actors on this scene, and our children, profit not by the study and example of such a life as that just closed, this service were worse than useless.

The influence of the words and acts of such men as the deceased will outlast the bronze and marble fashioned to make their names immortal.

The grand thoughts given to the world by the philosophers of Greece will outwear their Parthenon; the utterances of Roman senators declaring some great truth will be heard when the massive walls that echoed back those utterances have perished. It is the never-dying echo of great truths uttered that makes the oracle immortal. It is the impress of great and noble thoughts upon the minds and hearts of men that keeps green the memory of those who gave them to the world. There is a lesson in the life just closed—an inspiration in its example.

The life of Senator CARPENTER began in obscurity, as did those of Lincoln, and Garfield, and Chandler. His success, like theirs, demonstrates to the youth of the Republic the grand possibilities which open before them under the benign influence of that equality

of opportunity born of the happy union first formed in our own land between liberty and law. The lesson of such lives and the teaching of such experience as they had, assure us, even in these fat and pursy times, when men are prone to leave the true altar to worship Mammon, that the portals that inclose the seats of greatest honor yield not alone, if at all, to the touch of golden keys. They have taught the world that true and lasting fame is for him alone who worthily wins it by observing the precepts of truth and virtue. I will not say that in public affairs the deceased was the first to find the vantage ground of right; but certain it is that once found, he never left it. If he was not the first to voice the noblest and best thoughts, he was a constant and eloquent witness to their truth and potency.

If he was not the first, by some great act or utterance, to start the healthful current of a nation's thought, he was zealous and powerful in guiding that current in pure channels to useful and ennobling purposes and ends. He may not have been the first to hear the cries of the oppressed, but, the sound once caught, he became one of their most fearless champions. Nor was his voice hushed or his pen idle until their cause was won. If he did not plan great battles in the arena of public affairs, he won them when planned. If he did not order, he led the charge against the enemies of his country's peace and happiness. Abraham Lincoln voiced the noblest and best thoughts of his time. He gave expression to the holiest emotions the human heart can feel. His heart was the heart of the Republic. It pulsated with great emotions as the people rose or sank under their burdens.

The inspiration that moved him to his work was communicated to the choice and master spirits of that hour. MATT CARPENTER'S was one, and, having put his hands to the plow, he never turned or looked back, but pressed on until, with Lincoln, and Garfield, and Chase, and Stanton, and Chandler, he rejoiced over a Republic

saved and a people disenthralled. Great man! Upon the scroll of fame where a country's love writes the names of those who served her well his name will appear. Lincoln, Garfield, Chase, Stanton, Chandler, CARPENTER. What a galaxy of glorious names! Great in ability, great in mental furnishings, great in moral grandeur, great in patriotic achievements. It will be long ere the Republic will find their fellows.

In studying the history and example of such lives, what youth so humble that he may not dare to climb the rugged steep that leads to competence and honor? Since a grateful country thus rewards the devotion of her self-sacrificing children, who will not be prompted to a more faithful and earnest discharge of public duty?

There is a fragrance and a perfume that lingers about the name of the good that lasts beyond their lives. The truths they teach by their precepts and illustrate by their example are not for a day or a year, but for the centuries. We bless them because the influence of their lives has given us confidence in the present and filled us with hope for the future. MATT CARPENTER was with and of the great and good of our time. His name and memory are dear to us. He and they are at rest, their labors ended, and their duty done. It will be ill with the Republic when her sons no longer cherish the recollection of such men nor profit by the example of their lives.

Address of Mr. DEUSTER, of Wisconsin.

Mr. SPEAKER: A sad and mournful duty summons me to-day to discharge its sacred obligations. I rise to perform a delicate and difficult duty, to which my plain, simple words can hardly do justice. A citizen of my State has departed, whose loss has not only fallen heavily upon the Commonwealth of which he was an ornament, but whose death-knell reverberated through the Halls of

Congress, through the chambers of our highest judicial tribunals, and re-echoed from the farthest confines of our vast dominion, awakening sorrow and giving us the sad consolation of responding deep sympathy and mournful regrets from the people of all parts of the land for the Commonwealth which sustained so great and severe a loss by the untimely demise of one of its greatest public men.

In the death of MATTHEW HALE CARPENTER, which occurred in this city on the 24th day of February, 1881, Wisconsin laments the loss of a citizen like whom she has but few to give to our common country, and whose removal from the scenes of his earthly labors would be intensely felt by any country. His splendid career would have been a source of pride and satisfaction, a worthy object of admiration, and a bright example for imitation, had fortune lavished her smiles and favors upon a child of affluence and wealth, the bearer of a famous name and scion of a noble house. Had all these advantages been laid at his cradle, his genius would still have won for him that prominence and high rank among the foremost men of his day which genius will secure and individual worth can command. But MATTHEW H. CARPENTER was not the favored mortal whose path is strewn with the bright flowers of life's advantages and the rich gifts of inheritance. He was a living illustration of that manly pluck and perseverance that will always come out of the long struggle with adversity and misfortune the victor, stronger and better than before the conflict.

In MATTHEW H. CARPENTER'S history of his early life and manhood's struggles the earlier history of some of America's best and noblest sons has but repeated itself. Out of the darkness of poverty and misfortune his strong heart and genius plowed for him the path that led to the broad sunshine of success. He was not "the son of his father" in the sense of inheriting a great family name or reaping the fruits of renown which famous predecessors

in the ancestral line had earned; he was, to use a common phrase, the architect of his own fortune, and he rose to an eminence vouchsafed to few, not by the aid of outward help, but by the genius and manly qualities that were in him. In his success a noble example is presented to the struggling youth of to-day that may well inspire them with bright hopes for the future; and for this alone we have reason to feel grateful that he was given us and spared, not so long as we should have wished to see him among us, but yet long enough to ascend to the height to which his deserving genius, the love and estimation of his fellow-men, and public esteem and admiration elevated him.

MATTHEW HALE CARPENTER was born in Moretown, Washington County, Vermont, on December 22, 1824. At the tender age of eleven years he lost his mother by death, and young CARPENTER was received into the household of a friend, Hon. Paul Dillingham, of Waterbury, Vermont. Here he received such an education as the common schools of the place, the bibliographical collections of his foster-father, and the associations with a family of education and refinement afforded. In 1843 he entered the military school at West Point, but resigned two years later on account of ill-health and returned to Waterbury, where he devoted himself to the study of law under the guidance of Mr. Dillingham. In 1847 he was admitted to the bar at Montpelier, Vermont, and soon thereafter removed to Boston, where he entered the law office of the foremost lawyer of New England, Rufus Choate. This great man soon recognized the true mettle of the young law student, and Mr. CARPENTER'S frankness, genial humor, clear intellect, and industry won him a life-long friend in his famous preceptor—a friendship that was soon to undergo severe tests in the crucible of adversity, and stood them well. After Mr. CARPENTER'S admission to the bar by the supreme court of Massachusetts, upon Mr. Choate's motion, in 1848, he came West, and cast his lot with the people of

Wisconsin, taking up his residence and opening a law office at Beloit. His generous friend enabled him to do so by furnishing the means for the journey, and supplying him with a law library. Before the young lawyer had fairly commenced the practice of his profession, however, he became afflicted with a serious disease of the eyes, which was unfortunately aggravated by maltreatment, and subsequently shut him out for years from the bright light of day. Impenetrable darkness surrounded the unhappy man, and for three long years he remained totally blind.

What tongue can tell, what pen describe the anguish, the misery of a genial, active mind encompassed within itself, and imprisoned within the frail yet impenetrable walls of a body that has ceased to perform one of its most important functions—to place our innermost life *en rapporte* with the outside world through the "mirror of the soul," the eye! How keen, how intense must have been the sufferings of one who had but yesterday entered the arena of life's contests buoyant with hope, well armed, and eager for the fray, and full of confidence of future success!

Shut off from the outside world by an affliction that would have brought utter despair to any heart less strong and brave than his, all the admirable qualities of Mr. CARPENTER's inner life were brought out, and supported him in this great trial. Nor did his generous and illustrious friend forsake him during this long period of physical and probably far greater mental suffering. Through his assistance Mr. CARPENTER was enabled to undergo successful treatment at New York, where his obstinate disease at last yielded to medical skill. Restored to himself and the world, Mr. CARPENTER returned to Beloit to enter upon that brilliant professional career which has since won him so prominent and conspicuous a place among the foremost men of the American bar.

He was elected district attorney in his county in 1852, and soon earned, by general acknowledgment, the reputation of being one of

the most eloquent and effective pleaders in the State, a reputation which he brilliantly sustained afterwards when his growing practice included cases of interest to the whole State. His increasing business necessitated, in 1858, his removal from Beloit to Milwaukee, where he formed a copartnership with our late chief justice, E. G. Ryan, then the foremost practitioner in the State, but the partnership was soon thereafter dissolved. His continued successes added constantly to his fame and growing prominence, and a victory achieved soon afterward in a railroad litigation where the best legal talent in the State, including his late partner, was arrayed against him, placed him at once at the head of the profession, and resulted in securing to him permanently a lucrative and important practice in cases of that character, often involving the possession of property many millions in value.

During the war period he was one of the most active Union Democrats, exhausting his brilliant eloquence in fervent appeals for the maintenance of an undivided country, an indissoluble Union of States. His great services and talents were readily recognized and appreciated by those who had heretofore been his political opponents, and soon after the close of the war he was cheerfully accorded the position of one of the foremost leaders of the Republican party in the State with which he had affiliated now altogether.

In the summer of 1867 he was chosen as a delegate to the Republican State convention. He subsequently took an active part in the presidential contest of 1868, and during the following winter he was elected to the United States Senate to succeed James R. Doolittle, whose term then expired.

He entered the Senate on March 4, 1869, and almost immediately acquired prominence and leadership in that grave and conservative part of our National Legislature. His personal popularity greatly enhanced the general respect and esteem in which he was

held for his legislative ability and legal attainments. He was honored during the last two years of his term by his election as President *pro tempore* of the Senate, a rare distinction for a younger Senator, in view of the eminent character of the older members who then graced the Senate Chamber. Political dissensions within his own party prevented his re-election at the expiration of his term; but he was again sent to the Senate from his State in the winter of 1878. In the mean time he had devoted his whole time and attention to the practice of his profession before the United States Supreme Court, before which he ranked with the foremost and leading lawyers of the country.

But even while these political and professional honors continued to mark his path in life, the dark shadows of approaching dissolution began to cast their ominous traces upon the hitherto unobstructed pathway of this great man. While Mr. CARPENTER remained apparently the same in the keenness of his sparkling wit, the fascination of his conversational powers, and the brilliancy of his oratorical gifts, yet he was known to be suffering greatly, and disease was daily making greater inroads upon his system. There were those unerring signs in his outward appearance, too, that filled his friends and admirers with gloomy forebodings, and these fears grew with the recurrence of long spells of illness which confined the illustrious man to his home, and interfered with the continuance of the prominent and active part taken by him in public and legal affairs. At last the fell destroyer ended this remarkable career, and Mr. CARPENTER passed away, after a long and painful illness, on the 24th day of February, 1881, at the age of fifty-seven years.

It is often charged, Mr. Speaker, that we are wont to go unreasonably far in our laudations of departed friends, and seek to invest them with a surfeit of good qualities which we were loath to recognize in the living. But while we may somewhat exaggerate in one

instance or another, yet there are instances where the mere tribute of words, and be it even the most eloquent praise, the highest encomium from human lips, can but poorly and inadequately describe the master-work of the Creator that seemed to have been placed upon earth in its greatest perfection. In the former case it is but just to remember that we are only too ready in the common walks of life to accept the good qualities we see in our friends as quite a matter of course; and conscious of our own failings, our vanity quickly discerns and often overestimates the shortcomings of others, especially if we feel that they rank in other respects far above us. Our own imperfection seems to find some compensation in the discovery of the faults of others, and it is only when we stand in the awful presence of death that we realize the exact truth. Then the consciousness of our own imperfection hushes the voice of vanity and throws the mantle of charity over what we knew to be the failings of others, and comparing both pages of their life's history we begin to wonder how little appreciation we have shown of the good qualities of the departed, and how greatly we have exaggerated the shadows which should have but served to show the bright sides to greater advantage.

What Michelet, the witty Frenchman, said of woman—that she has faults only in order that her excellent qualities might show to better advantage, just as the shadows more strongly reveal the bright light—can also justly be said of our great departed friend. When we find a man whose great gifts and fine endowments have placed him far above the multitude, and whose superior mind and genius have won for him all the distinction which his admiring contemporaries can well proffer, and still find him sharing but few of the imperfections of frail humanity, then, I think, we cannot afford to be reserved and miserly in the bestowal of the praise due such a man, and should rather seek comfort and solace for his untimely loss in the fond recollection of all the good and the virtu-

ous and the noble that was in the living, and the remembrance of which he left behind—a sacred inheritance to his friends, a worthy example to the young, a pure and most acceptable connecting link between the living and the departed, the dead past and the bright present.

Such a man, whose loss not only the State of Wisconsin but our whole country has regretted with deep sorrow, and whose great capabilities were recognized in every sphere of life in which he shone among his fellow-men, was MATTHEW H. CARPENTER.

We take a just pride in what we call our "self-made men," such as he was, because they are living examples of the excellence of our civil and republican institutions, and prove to the world that the possibilities for true worth and genius are limitless with us, broad as the blue expanse above us, and as liberal as the magnanimous organic law itself under which we life. Such men become popular favorites with us, and their names, like household words, are upon every one's lips, and the whole country takes a warm interest in their welfare.

The tidings of Mr. CARPENTER's death, therefore, created a profound sensation of sorrow throughout the country, acknowledged as he was to be one of the few great intellects that tower far above the mediocrity of the masses and from the nurslings of adversity rise to the eminence of recognized authority in the empire of learning and wisdom.

The announcement of his untimely death was made in the United States Senate by his colleague, Hon. Angus Cameron, in feeling and appropriate terms, and was followed by brief remarks on the part of Hon. George H. Pendleton, of Ohio, who eulogized the dead statesman in the highest terms, whereupon the Senate, out of respect to its deceased distinguished member, adjourned.

I cannot better convey in brief terms the deep and lasting impress which this intellectual giant left upon the minds of those

associated with him in the highest council of the nation, the highest legal tribunal in the land, in the walks of private life, and the pleasant relations of spiritual friendship, than by referring to the resolutions of respect of the bench and bar of the Supreme Court of the United States, reported at a special meeting by the committee on resolutions, comprising the following prominent gentlemen: Hon. David Davis, Hon. Arthur MacArthur, Hon. Roscoe Conkling, Hon. Jeremiah S. Black, Hon. R. T. Merrick, Hon. Philip Phillips, Hon. Charles Devens, Hon. W. D. Davidge, and Hon. Jeremiah M. Wilson. The resolutions were unanimously adopted, and subsequently presented to the Supreme Court of the United States in open session, which ordered them spread upon the record of the court:

Resolved, That the members of the bar of the Supreme Court of the United States have received with profound sorrow the intelligence of the death of MATTHEW HALE CARPENTER, who for many years was a most distinguished practitioner in this court.

Resolved, That we lament the loss of one whose brilliancy as an advocate and learning as a lawyer had elevated him to the highest rank of the profession.

Resolved, That his memory is entitled to be cherished by the bar for his genial qualities as an associate, for his professional honor and ability, and for his wisdom and independence as a legislator.

Resolved, That the Attorney-General be requested to present these resolutions to the court; and,

Resolved, That the chairman of this meeting present these proceedings to the family of the deceased, with the expression of the profound sympathy of the bar.

Representatives of his own State and of the United States, appointed by both branches of Congress, followed all that was mortal of the illustrious man to his Western home, his final resting-place, and, with due observance of the solemn ceremonials befitting the occasion, delivered to the governor of Wisconsin the remains of the dead statesman. I cannot refrain from repeating the touching tribute paid him by the spokesman of the committee representing the Senate of the United States, the honorable Senator from New York,

Roscoe Conkling, who, in turning over the sacred charge to the representative of the people of Wisconsin, said:

> Governor: Deputed by the Senate of the United States, we bring back the ashes of Wisconsin's illustrious son, and reverentially and tenderly return them to the great Commonwealth he served so faithfully and loved so well. To Wisconsin this pale and sacred clay belongs; but the memory, the services, and the fame of MATTHEW HALE CARPENTER are the nation's treasures, and long will the sister States mourn the bereavement which bows all hearts to-day.

The interment took place on April 10, 1881, under appropriate and impressive ceremonies, and was participated in by the representatives of the national and State governments, the courts, the municipal authorities of Milwaukee, and an immense concourse of citizens.

Thus closed the brilliant and remarkable career of MATTHEW H. CARPENTER. His name and fame will ever adorn the history of his State to which he rendered such signal service, and ornament the pages upon which the contemporaneous history of our common country will be recorded with one of the brightest examples of a representative American citizen.

He was a Republican; I am a Democrat; yet partisanship has never been able to divide us by a barrier of narrow confines, and to prevent us from entertaining the highest mutual respect. I have always admired the manly qualities of the living, and would now add my humble services in honoring the dead and in planting the laurel of our common admiration and the willow of our deep sorrow and regrets upon his grave.

May we not justly hope and believe that the Supreme Judge of the Universe has granted this great mortal his application for eternal happiness without argument? And while we fondly believe thus, we part from his earthly resting-place affectionately and lingeringly, inscribing upon it all that hope can express in simple words, *requiescat in pace.*

The resolutions submitted by Mr. Williams, of Wisconsin, were unanimously adopted.

The SPEAKER (at four o'clock and thirty-five minutes p. m.). In accordance with the resolutions just adopted, and as a tribute to the memory of the late Senator CARPENTER, this House stands adjourned until to-morrow at twelve o'clock m.

THE INTERMENT.

The Congressional Committee, consisting of Senators Angus Cameron, Roscoe Conkling, John A. Logan, John P. Jones, Francis M. Cockrell, Representatives Charles G. Williams, George C. Hazelton, Herman L. Humphrey, John G. Carlisle, Elbridge G. Lapham, George M. Robeson, and Horace F. Page, left with the remains on a special train from the Baltimore and Potomac depot, via the Pennsylvania Railroad, and arrived in Milwaukee on April 9th, where they were met by the governor with a civil and military cortege, which accompanied them to the State-house, where Senator Conkling said:

Governor: Deputed by the Senate of the United States, we bring back the ashes of Wisconsin's illustrious son, and reverentially and tenderly return them to the great commonwealth he served so faithfully and loved so well. To Wisconsin this pale and sacred clay belongs; but the memory, the services, and the fame of MATTHEW HALE CARPENTER are the nation's treasures, and long will the sister States mourn the bereavement which bows all hearts to-day.

Governor Smith responded:

Mr. Chairman and Gentlemen of the Congressional Committee: As representatives of the people of Wisconsin, we accept the mortal remains of our gifted Senator and well-beloved friend, and to-morrow we will bear them to their final resting-place in the beautiful cemetery adjacent to this city which was his home for so many years. We beg you to accept our most sincere thanks for the consideration you have shown to the people of Wisconsin in

the action had by both houses of Congress in respect to the memory of the illustrious dead, and in coming hither accompanying his sorrowing family upon this sad mission.

We are very much gratified to know that you will remain with us to assist in the last rites connected with the burial of our honored dead. You will thus witness for yourselves the estimation in which your late associate was held by his immediate neighbors and fellow-citizens.

Gentlemen, again let me thank you and tender to you assurances of our appreciation of your kind offices to our deceased friend, whose remains we now receive from your considerate care.

The remains were interred in Forest Home Cemetery on April 10, in the presence of the family, the committee, and a large concourse of people.

PROCEEDINGS OF THE BENCH AND BAR OF THE SUPREME COURT OF THE UNITED STATES.

The Bar of the Supreme Court of the United States met in the court-room, in the Capitol, Washington, on Monday, March 7, 1881, at 2 o'clock p. m., to pay respect to the memory of the late MATTHEW H. CARPENTER.

On motion, Mr. Allen G. Thurman was appointed Chairman, and Mr. James H. McKenney Secretary.

Mr. Thurman, on taking the chair, addressed the meeting as follows:

GENTLEMEN OF THE BAR: We have met together to pay a fitting tribute to the memory of our deceased brother, MATTHEW H. CARPENTER.

It might seem to be almost superfluous to say to this audience who he was and what he was. There is, perhaps, no one here to-day who has not witnessed some one or more of those remarkable displays of forensic eloquence and of legal learning for which he was so justly distinguished. There are but few, if any, lawyers in the republic who have not heard of his fame; for it was as wide-spread as the continent. And yet it is but proper and becoming that we, who knew him so well and had the best means of observation and judgment, should give expression to the estimate we formed of the lawyer and the man, and suitable utterance to the sorrow we feel at the loss of a friend.

I am well aware of the proneness to extravagance that has too often characterized eulogies of the dead, whether delivered from the pulpit, in the forum, or in the Senate-House. But I feel a strong conviction that, however exalted may be the praise spoken here

to-day, it will not transcend the merits of its object, or offend the taste of the most scrupulous and truth-loving critic.

I knew Mr. CARPENTER intimately, from the time we entered the Senate together until his death, a period of nearly twelve years. During two-thirds of this time we served on the Committee on the Judiciary, and I cannot better convey, in brief terms, the impression he made upon me, and upon all his fellow-members, than by reading the following resolution of the committee, adopted at its last session:

Resolved, That the members of this committee are deeply affected by the loss of their late colleague, MATTHEW H. CARPENTER, who departed this life, in this city, on the 24th ultimo.

During a period of nearly eight years' service on this committee, his great intellectual ability, profound legal learning, and remarkable industry commanded the admiration of all who served with him, while his uniformly courteous, kind, and agreeable manners won and retained their affection.

Gentlemen, it is not my purpose, nor would it be consistent with the brevity that it is incumbent on me to observe, to give a biographical sketch of our departed friend. There are others here much more competent to perform that duty than I am. I confine myself to the qualities of the lawyer and the man. That he possessed by nature a mind singularly acute, ready, and logical, all who knew him will testify. That these qualities were greatly improved and strengthened by exercise and study, is also well known. But there was another trait of his character that was not so well known. Although not deficient in a proper self-reliance, he was seldom, it seemed to me, fully satisfied with his own conclusions until he found them fortified by careful and laborious study. It was not sufficient for him to know what he, himself, at first sight, thought of a question; he wanted to know what others had thought of it. And this habit led him to entertain something like a scornful dislike to what are known as "off-hand opinions." He was very far, indeed, from being a mere case lawyer, but he was also very

far from undervaluing the learning that is found in the books. In this respect he was another illustration of the truth, that has, perhaps, no exception, that no genius, however great, no eloquence, however grand or persuasive, can, without laborious study, make a perfect lawyer.

Of Mr. CARPENTER in his personal relations, it would be a grateful duty for me to speak, for, as I have said, we were intimate friends almost from the time of our first acquaintance. How genial he was, how cheerful even when suffering from disease, how mindful of the feelings of others, how honorable in all his transactions; these were characteristics that no friend of his will ever forget. And what a wonderful command of temper he possessed! I have seen him in the most heated discussions in the Senate, in committee, and at the Bar, when the coolest and most experienced man might have been excused for an angry word, or, at least, an angry look, and yet I cannot recall a single instance in which he lost his temper. Had this self-command been the result of a cold temperament, a want of proper sensibility, or an unfeeling heart, it would afford no theme for commendation. But when it was found in a man of an ardent nature, of the keenest sensibility, and of the warmest affections, too much can scarcely be said in its praise. Gentlemen, were I to give way to my inclination, I should say much more. But I would not willingly consume the time that belongs to others, and I forbear.

On motion of Mr. David Davis, the following gentlemen were appointed by the Chair to constitute a Committee on Resolutions:

Mr. David Davis,
Mr. Arthur MacArthur,
Mr. Roscoe Conkling,
Mr. Jeremiah S. Black,
Mr. R. T. Merrick,
Mr. Philip Phillips,
Mr. Charles Devens,
Mr. W. D. Davidge,
Mr. Jeremiah M. Wilson.

The committee thereupon retired, and on returning reported, through Mr. Davis, the following resolutions for adoption:

Resolved, That the members of the Bar of the Supreme Court of the United States have received with profound sorrow the intelligence of the death of MATTHEW H. CARPENTER, who for many years was a most distinguished practitioner in this court.

Resolved, That we lament the loss of one whose brilliancy as an advocate and learning as a lawyer had elevated him to the highest rank of the profession.

Resolved, That his memory is entitled to be cherished by the bar for his genial qualities as an associate, for his professional honor and ability, and for his wisdom and independence as a legislator.

Resolved, That the Attorney-General be requested to present these resolutions to the court; and

Resolved, That the chairman of this meeting present these proceedings to the family of the deceased, with the expression of the profound sympathy of the bar.

The CHAIRMAN. The resolutions reported by the committee are before the meeting.

Remarks of Mr. ARTHUR MACARTHUR.

Mr. CHAIRMAN: I have been requested to move the adoption of the resolutions just reported by your committee, and although I can scarcely trust myself with this office, I feel that no apology is necessary for the effort. When I recall our early intimacy and association, commencing before he had established a great reputation at the bar, or attained one of the highest positions in the Senate, I can scarcely realize that he accomplished this in a little more than a score of years, and that now there is nothing of him left but the sacred image of the dead.

MATTHEW HALE CARPENTER died in the flower of his years and the zenith of his fame, and the wonderful possibilities which were in prospect from the exercise of his great faculties have been prevented when most certain and most needed. His death is, there-

fore, felt as a public and professional loss. It is a touching spectacle we witness in this distinguished gathering, for although he had attained high position at the bar and in the Senate such as few lawyers possess, there was no envy, no jealousy, in the feelings of his contemporaries, and here to-day, by a spontaneous emotion, are assembled distinguished members of the Senate and the most eminent representatives of the bar, to pronounce his panegyric and to pay respect to his fame by imposing and honorable remembrance of his life.

Mr. CARPENTER commenced his legal studies in the office of Governor Dillingham, at that time the leading lawyer in the State of Vermont, and who subsequently became his father-in-law. In the space of a year he removed to Boston and became the pupil of Rufus Choate, then in the full splendor of his professional career. That great advocate was not slow to appreciate the remarkable diligence and powers of his student, and predicted his future success. Upon being admitted to the bar he immediately went West, in 1848, settling at Beloit, then the center of one of the most important counties in the State of Wisconsin. It may be safely affirmed that CARPENTER had every qualification for the toilsome ascent before him, and the heroic endurance necessary to acquire professional success. He soon took position among the first at the bar. Business prospered, and he became a leader in the circuit, like one to whom the place belonged.

He must have been in his thirty-second year when he argued his first celebrated case in the supreme court of the State. It related to the disputed title to the office of governor, and enlisted the ablest and oldest lawyers on either side. During the previous six years Mr. CARPENTER had frequently addressed the court, making a strong impression by the clearness of his statements and the excellence of his briefs, and commanding not only the attention but the respect and confidence of the judges; but now he displayed

that wonderful power of expression and argument which has since distinguished him before the whole country.

In 1856 he became a resident of the city of Milwaukee, and was at once retained in a great railroad litigation involving corporate rights and franchises, a subject which still agitates public opinion, and will probably convulse the forum of public policy more in the future than in the past. When he appeared in the Supreme Court of the United States, where these cases were finally determined, those who heard and the judges who listened were struck not less by his manner than by his argument. He took his place among the able lawyers of the country.

In 1861 the country was startled by the fall of Sumter and the proclamation of the President. There are certain public questions which take shelter under the protection of party politics and are dovetailed into their accepted platforms; but here was a question forbidden to that category, and every citizen was to decide the question of country and patriotism for himself. Mr. CARPENTER felt himself compelled to sever the political bonds of his party and to give all his talents, his voice, and his acts to the active prosecution of the war and the support of the government.

In 1868 Mr. Stanton, who was then Secretary of War, employed Mr. CARPENTER to represent the United States in the Supreme Court in the celebrated case of McArdle. Perhaps no greater constitutional questions were ever presented for the consideration of that tribunal. His brief on this occasion is often referred to as one of the masterpieces in our forensic literature; and it is remarkable that the positions argued by him constituted the very grounds upon which the reconstruction measures enacted by Congress were founded, and the States related back to their place in the federal Union. It is not often that a mere lawyer has the good fortune to mold and reinstate the jurisprudence of his country. It is only when genius has a rare opportunity, like Erskine, when he vindicated

and saved freedom of speech in the Stockdale trials for the benefit of all English-speaking people; or Hamilton, when in a single effort he re-established the true doctrine of libel; or CARPENTER, when he enforced the principles upon which the national Union must ever repose for its safety. He was now placed before the whole people as a great constitutional lawyer. This important event in his life was soon followed by his elevation to the Senate. And although it is only in his capacity as a lawyer that we speak of him here, I may be permitted to say that the expectations of his friends and constituents were amply justified. His reputation is not more established at the bar than his success in that great assembly. It was the first and only office he ever held, except that of prosecuting attorney for the county where he first settled in Wisconsin.

In regard to the personal character of the deceased I can only speak from my affections. My sentiment is one of devotion to his memory, and my inspiration is the friendship now hallowed by his death. During his residence in the city of Washington, those in suffering and distress constantly applied to him and received such relief as his generous nature prompted him always to extend. He was courteous and gracious to all, and ingratiated himself with the ignorant, the unfortunate, and the oppressed, for he knew how useful information could be obtained from those engaged in other pursuits, even the humblest and the most obscure. He was amiable and patient to the very last limit of endurance; and, while he had few favors to remember, and the exercise of gratitude was not often called for on his part, there are hundreds, and even thousands, who will recall his kindness in word and act, and express their gratitude all the days of their lives.

There was no malice in his nature, and he forgave an injury with the readiness that he conferred a favor, and, in either case, he seemed better and happier.

He had not received a classical education and spoke no language but his own, but his knowledge of English literature was extensive, accurate, and scholarly, and he had accumulated the most extensive private library in the Northwest.

The great duty of the advocate is self-devotion, to advance the interest of his client rather than his own fame or wealth, and CARPENTER regarded this as the very tenure of his professional existence. In that cause so sacred in his consciousness, he would face a court and defy popular clamor, and he would talk all day and labor all night when the fortunes of a great controversy were in his hands, even when the fee or reward was uncertain.

His prodigious power of labor and application, before his health gave way, if not genius itself, was one of his most remarkable characteristics. After spending a day or evening in ordinary pursuits, or social enjoyment, he not unfrequently employed the night in preparing for the morrow, when he would appear in court fresh and undaunted as after a night's repose, and woe to the adversary who thought to gain an advantage or secure a surprise. When he went to a trial he knew every point in the case, and just where to press his argument. He was skilled in every branch of practice at *nisi prius*. To interrogate a witness, address the court, or seize with dexterous ingenuity every law point that came to hand, seemed to be a natural instinct with him. He filled the ear of the jury with the wondrous tone of his voice, and kept them from the weariness of a long trial by his overflowing humor and bonhomie. He knew the spirit of the people and was acquainted with all the terms of their sensational expression. He was always wide awake, thoroughly in earnest, and his quickness at repartee made it dangerous for his antagonist to risk any personal or critical allusion. His temper was perfect, to which was allied his extraordinary power of speaking directly and clearly to the point in hand like all great *nisi prius* lawyers in the open exercise of their profession. Although

he seldom indulged in figures of speech or flights of the imagination, no one could clothe a logical argument in clearer terms or with more powerful appeals. At times his eloquence could persuade and not unfrequently he inspired a jury by the magnanimity of his sentiments. It was a common observation, that he never left the least ground of complaint either to his client or his adversary.

His sparkling conversation, his ready wit and genial appreciation, rendered him the most charming and agreeable of companions. He never was formally connected with any religious communion, but he had a reverent belief in the principles of Christianity, remembering that the great Law-Giver is the creator and father of us all.

To consecrate the ashes of the dead, and to remember and practice what was good and generous in their lives, is the most acceptable service we can render to those who have been separated from the living and become partakers of a diviner life. Let this be the tribute we pay to the memory of our departed friend, whom death has translated to immortality.

Mr. Chairman, I close by moving the adoption of the resolutions.

Remarks of Mr. J. S. BLACK.

The American bar has not often suffered so great a misfortune as the death of Mr. CARPENTER. He was cut off when he was rising as rapidly as at any previous period. In the noontide of his labor the night came, wherein no man can work. To what height his career might have reached if he had lived and kept his health another score of years, can now be only a speculative question. But when we think of his great wisdom and his wonderful skill in the forensic use of it, together with his other qualities of mind and heart, we cannot doubt that in his left hand would have been uncounted riches and abundant honor, if only length of days had been

given to his right. As it was, he distanced his contemporaries and became the peer of the greatest among those who had started long before him.

The intellectual character of no professional man is harder to analyze than his. He was gifted with an eloquence *sui generis*. It consisted of free and fearless thought wreaked upon expression powerful and perfect. It was not fine rhetoric, for he seldom resorted to poetic illustration; nor did he make a parade of clenching his facts. He often warmed with feeling, but no bursts of passion deformed the symmetry of his argument. The flow of his speech was steady and strong as the current of a great river. Every sentence was perfect; every word was fitly spoken; each apple of gold was set in its picture of silver. This singular faculty of saying everything just as it ought to be said was not displayed only in the Senate and in the courts; everywhere, in public and private, on his legs, in his chair, and even lying on his bed, he always "talked like a book."

I have sometimes wondered how he got this curious felicity of diction. He knew no language but his mother-tongue. The Latin and Greek which he learned in boyhood faded entirely out of his memory before he became a full-grown man. At West Point he was taught French, and spoke it fluently; in a few years afterwards he forgot every word of it. But perhaps it was not lost; a language (or any kind of literature), though forgotten, enriches the mind as a crop of clover plowed down fertilizes the soil.

His youth and early manhood was full of the severest trials. After leaving the Military Academy he studied law in Vermont, and was admitted, but conscientiously refused to practice without further preparation. He went to Boston, where he was most generously taken into the office of Mr. Choate. He soon won not only the good opinion of that very great man, but his unqualified admiration and unbounded confidence. With the beneficence of an

elder brother, Choate paid his way through the years of his toilsome study, and afterwards supplied him with the means of starting in the West. The bright prospect which opened before him in Wisconsin was suddenly overshadowed by an appalling calamity. His eyes gave way, and trusting to the treatment of a quack, his sight was wholly extinguished. For three years he was stone-blind, "the world by one sense quite shut out." Totally disabled, and compassed around with impenetrable darkness, he lost everything except his courage, his hope, and the never-failing friendship of his illustrious preceptor. Supported by these he was taken to an infirmary at New York, where, after a long time, his vision was restored. Subsequent to these events, and still under the auspices of Mr. Choate, he returned to Wisconsin and fairly began his professional life.

It would be interesting to know what effect upon his mental character was produced by his blindness. I believe it elevated, refined, and strengthened all his faculties. Before that time much reading had made him a very full man; when reading became impossible reflection digested his knowledge into practical wisdom. He perfectly arranged his store-house of facts and cases, and pondered intently upon the first principles of jurisprudence. Thinking with all his might, and always thinking in English, he forgot his French, and acquired that surprising vigor and accuracy of English expression which compel us to admit that if he was not a classical scholar, he was himself a classic of most original type.

He was not merely a brilliant advocate, learned in the law, and deeply skilled in its dialectics; in the less showy walks of the profession he was uncommonly powerful. Whether drudging at the business of his office as a common-law attorney and equity pleader, or shining as leader in a great *nisi prius* cause, he was equally admirable, ever ready and perfectly suited to the place he was filling. This capacity for work of all kinds was the remarkable part of his

character. With his hands full of a most multifarious practice he met political duties of great magnitude. As a Senator and party leader he had burdens and responsibilities under which, without more, a strong man might have sunk. But this man's shoulders seemed to feel no weight that was even inconvenient. If Lord Brougham did half as much labor in quantity and variety, he deserved all the admiration he won for versatility and patience.

Mr. CARPENTER'S notions of professional ethics were pure and high toned. He never acted upon motives of lucre or malice. He would take what might be called a bad case, because he thought that every man should have a fair trial; but he would use no falsehood to gain it; he was true to the court as well as to the client. He was the least mercenary of all lawyers; a large proportion of his business was done for nothing.

Outside of his family he seldom spoke of his religious opinions. He was not accustomed to give in his experience—never at all to me. He firmly believed in the morality of the New Testament, and in no other system. If you ask whether he practiced it perfectly, I ask in return, Who has? Certainly not you or I. He was a gentle censor of our faults; let us not be rigid with his. One thing is certain, his faith in his own future was strong enough to meet death as calmly as he would expect the visit of a friend. Upwards of a year since his physicians told him that he would certainly die in a few months; and he knew they were right; but with that inevitable doom coming visibly nearer every day, he went about his business with a spirit as cheerful as if he had a long lease of life before him.

I think for certain reasons that my personal loss is greater than the rest of you have suffered. But that is a "fee grief due to my particular breast." It is enough to say for myself, that I did love the man in his lifetime, and do honor his memory, now that he is dead.

Remarks of Mr. A. H. GARLAND.

Mr. CHAIRMAN: This is not an ordinary occasion, and it excites in all of us no ordinary feelings, for we have met here to pay the last honor to one of the remarkable men of this remarkable age, and this remarkable country. My acquaintance with Mr. CARPENTER began in this chamber in December, 1865, under circumstances that make it proper that I should offer some tribute to his memory; though feeble, it is sincere and heartfelt.

During the previous month I had filed in the Supreme Court of the United States a petition to be admitted to practice in the court without taking the oath which had been prescribed by the act of Congress of 1862, known as "the lawyer's test oath." Mr. Reverdy Johnson had generously volunteered his services in the case to me, and my old and esteemed friend, Mr. Middleton, whose name I cannot mention without emotion, then clerk of that court, recommended me to employ, also, Mr. CARPENTER.

The next day, some few moments previous to the assembling of the court, through Mr. Middleton, I was made acquainted with Mr. CARPENTER. Making known to him the special object of my introduction to him, he replied, with that frankness and quickness which always characterized him, that he had seen and examined the petition as published in the newspapers, that he agreed with the conclusions of the petition, and thought its prayer should be granted; but that neither I nor my friends had money enough to employ him, though if I would accept his services he would render them cheerfully.

Mr. CARPENTER appeared in the case, made a clear, bright, and cogent presentation of it, standing at about the very point in this room where the friend who first spoke of him to-day stood. He made such an argument as added much to his already growing fame

in that forum and put him forthwith among the leaders of this bar, which position, we all know, he occupied till the time of his death. From that time until the sad occurrence we now mourn, our acquaintance was and continued to be a warm and sincere friendship.

Often in the troublous times through which the State where I live passed, did I avail myself of his generous and kind counsel and wise advice, which he never withheld and which he never gave grudgingly. To me and to the people of Arkansas he was a friend indeed, and in need, and with me and with them his memory will ever live and grow brighter as it lives.

It is not for me to speak of Mr. CARPENTER'S public services and life. They are written in the records of the highest tribunals of the land; they are entered in the journals of the Senate of the United States; they are imprinted in the hearts of the people, and they are the property of the country. His life was another splendid example to the young men of the nation, full of cheerful lessons and stimulants to their aspirations and their hopes. Coming from the very foundation of society, without any family record, without any previous heraldry, with no ancestral prestige, he worked his way up to become admired in the nation amongst its legists, publicists, and statesmen.

Always genial, kind, and generous, even during the two past years when you, Mr. Chairman, and others of us here who served with him in the Senate Committee on the Judiciary knew, and when he himself knew, that death had already thrown its shadow across his path, he labored on, and he labored in genuine good humor, not morosely. If in the course of his life he had to send forth arrows, like the Tartars, his name was upon them, that the arm that shot them might be known, but they were not dipped in poison, they were not dipped in malice.

It is said that in the final analysis of all things nothing remains but character. In this instance what a rich and precious legacy

this is to his family and his country! And as this life is but a trust to be executed and accounted for, those here who know how well he performed his trust will hope that the account of it which he is ready to render may secure him a home in another life of brightness and of beauty, where he may dwell in one of those many mansions that are in Our Father's house.

Mr. Chairman, I have not had time, and from indisposition I have not been able, to prepare my thoughts as I should like to have delivered them; but at another time and in another place I will take an opportunity to pay, as far as I am able, a fitting tribute to one whom I loved in his lifetime, and whose memory I now cherish in the language of the resolutions, which I heartily second.

Remarks of Mr. J. M. WILSON.

Mr. CHAIRMAN: On the 18th of February, 1876, the members of the bar of the Supreme Court met in this room to pay respect to the memory of Reverdy Johnson, and he whose death we have to-day met to deplore, MATTHEW HALE CARPENTER, presided as chairman of that meeting.

In his address on taking the chair, in speaking of the qualities of Reverdy Johnson as a lawyer, he unconsciously described himself in these words, which I will read from the report of that meeting:

> And considering the extent and variety of his practice; his natural resources and professional attainments; his thorough self-possession and steadiness of nerve, when the skill of an opponent unexpectedly brought on the crisis of a great trial—an opportunity for feeble men to lose first themselves and then their cause; his fidelity to the oath which was anciently administered to all the lawyers of England—to present nothing false, but to make war for their clients; the audacity of his valor when the fate of his client was trembling in the balance—he believing his client to be right, while every one else believed him to be wrong; remembering all these traits, we must rank him with the greatest lawyers of this or any other country.

A little further on he gave another description, which I beg to read:

> His outward form proclaimed the man. His compact, firm-knit frame, his heavy shoulders, his round head, his striking face, bearing the furrows of many sharp professional and political conflicts, but from which there still shone his gentle kindly nature, all indicated a man of genial nature, yet resolute of purpose—a man easy to court, but dangerous in conflict.

Excepting that time had plowed no "furrows," how strikingly accurate a description, in many respects, are these utterances of him who uttered them, as he was a few months ago, before disease had made him its prey. He possessed qualities of mind that are rarely combined in one man.

He was humorous, witty, quick in repartee, brilliant as an orator, a rapid and accurate thinker, a strong reasoner.

While he was endowed with brilliancy and genius, he did not rely upon these; he was a hard worker. His range of information was wide; he was conversant with legal precedents; he was thoroughly schooled in the fundamental principles of the law.

These powers and acquirements were always at his command, ready for use in the most unexpected emergencies of offensive or defensive conflict.

No man whom I have ever known could see more quickly the strong or weak point in a cause.

His was a genial and kindly nature.

He was full of sympathy, he was generous to a fault, he intensely hated a wrong, and the humbler the object of the wrong the more intensely he hated it.

He is dead. To use his own language, as applied to Mr. Johnson, "he has passed from the known to the unknown; from earth to the hereafter of hope and faith," but his rare qualities of mind and heart will remain as pleasant memories to those who knew him well.

Remarks of Mr. JAMES H. EMBRY.

Mr. CHAIRMAN: It was my privilege to know well, though not intimately, during recent years, him whose loss we mourn to-day. Soliciting his professional aid in matters intrusted to my care, I had the opportunity of witnessing the strength and vigor of his mind, the grasp of his intellectual power, the fertility of his resources, and the splendor of his genius.

Every constitutional and legal question presented to him was penetrated and probed from circumference to center, until he touched and grasped and mastered the great leading idea or principle around which all others revolved.

His strong, compact, forcible arguments, enriched by his learning, adorned by his illustrations, and touched by his wit, made him ever a welcome advocate before the courts, which he never failed to enlighten and instruct. Fortunate was his antagonist, when Mr. CARPENTER summoned his full strength and energies and poured the full fire of his artillery against the apparently impregnable fort behind which that antagonist was concealed, if he failed to dislodge him.

In his professional and public life he consecrated himself wholly to the great work before him. He bowed before the altar of duty, lighted by the torches of resolution and fidelity, and made his physical strength a martyr to his intellectual energies. He cherished a sacred reverence for the Constitution of his country, and as an American Senator he guarded it, with sleepless vigilance, as the only pure fountain, whose living streams refresh, invigorate, and sustain the national life. In law he was an artist, like Michael Angelo, in virgin marble, "who, fashioning the daintiest forms of beauty, handled his chisel and his mallet as if he were hewing a pyramid."

Mr. Chairman, it is only here and there, at long intervals, amid the epochs of national life, that time, as it plants its century monuments, points with pride and exultation to the man, who, equally and alike, in the halls of legislation, at the bar, and upon the hustings, leaves the enduring and indelible impress of his power and his greatness upon the generation with which he lived. And the historian who shall write the record of these times will not fail to accord Mr. CARPENTER an eminent and conspicuous place among the nation's foremost statesmen, lawyers, and orators.

Just five years ago, on the 18th of last month, Mr. CARPENTER presided in this chamber, at a meeting of the members of this bar, to pay respect to the memory of one who was the recognized leader of the American bar, the late Reverdy Johnson. He paid a beautiful tribute to the abilities and services of Mr. Johnson, and the following utterance fitly applies to himself:

> Nature sets indelible marks upon the productions of which she is the proudest. His outward form proclaimed the man. His compact, firm-knit frame, his heavy shoulders, his round head, his striking face, bearing the furrows of many sharp professional and political conflicts, but from which there still shone his gentle, kindly nature—all indicated a man of genial nature, yet resolute of purpose; a man easy to court, but dangerous in conflict.

And here, too, Mr. Chairman, he left behind him the record of his trust and faith in the justice of God, as firm and unshaken as that of St. Paul or Martin Luther. Speaking of Mr. Johnson's sudden death, he said:

> Without pain, without death-bed parting from those he loved (more painful than death itself), possessing all his faculties in full vigor, rich in honors and glorious with praise, he passed in an instant from the known to the unknown, from earth to the hereafter of hope and faith. And if it was ordered that the scene of his mortal life must end that moment, who can say that the manner of its close was not also ordered, *in mercy*, by that God *who doeth* ALL *things well?*

But above and beyond all these high qualities, these mental endowments and acquirements, Mr. CARPENTER, in that higher sphere of life, as man and citizen, was pre-eminent. I sincerely believe,

sir, that he was an honest man, in the highest and truest meaning of those words. I sincerely believe, sir, that in all his intercourse with his fellow-men he purposely wronged no man, but that he walked ever by the light of the Golden Rule.

Mr. Chairman, when his remains shall be borne from this District, the theater of his sternest struggles and his proudest triumphs—borne in the nation's keeping by loving hands and loyal hearts to his distant home in the city by the lake—Wisconsin will hold within all her wide borders the ashes of no child who has labored more faithfully for her interests, or added more of honor and renown to her own high name.

May all the dwellers within her borders to-day, and succeeding generations, keep lighted around the spot where he shall sleep the vigils of their affection and their love, with the same constancy and fidelity with which he gave the best years of a noble manhood to her service, falling at last, like a mailed warrior, by her side, "rich in honors and glorious with praise."

The resolutions were agreed to unanimously; and thereupon, on motion of Mr. Conkling, the meeting adjourned.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 11, 1881.

Present:

The Honorable MORRISON R. WAITE, *Chief Justice;*
SAMUEL F. MILLER,
STEPHEN J. FIELD,
JOSEPH P. BRADLEY,
JOHN M. HARLAN,
WILLIAM B. WOODS,
Associate Justices.

Mr. Attorney-General MacVeagh presented the resolutions of the bar on the death of Hon. M. H. CARPENTER, which were read and ordered to be filed.

ADDENDA.

We subjoin the address of Judge MacArthur before the Wisconsin Association at Washington, as it is the only account which has been given by an eye-witness of the last moments of Senator CARPENTER. Judge MacArthur reported a series of resolutions, and spoke as follows:

Mr. CHAIRMAN: The resolutions have been prepared in brief terms to express the profound sorrow and deep sympathy which must move the bosom of every citizen of Wisconsin on the death of Senator CARPENTER. They were expressed in brief terms, as his life-work was his best eulogy and his brilliant career his only fitting panegyric. His services were bequeathed to the country, and his memory will be cherished as long as patriotism prevails and statesmanship is honored.

The death of a great man is nearly always sudden, unexpected, and appalling. He lives so much in the public eye, and is interwoven so much with the public life, that what belongs to the individual is overlooked in the common interest and admiration, and when his death occurs it comes upon us like a tropical sunset—sudden, instantaneous, involving us in darkness and despair. This was in some measure true in regard to the demise of Senator CARPENTER. Those who were intimate with him had for many months observed a marked change in his appearance; his magnificent person was losing its fullness of habit; the luster of his merry eye, the cadence of his ringing laugh, were impaired and overcast with the coming shadow. Fits of indisposition were alternated with periods

of apparently returning health, and hope and friendship recovered confidence and abandoned all fears for his safety.

On the afternoon of Wednesday last I visited at his residence and stood by his bedside, where he was then asleep. I saw a dreadful change had happened; the end was written upon his face, and then, for the first time, I gave up all hope. Upon calling later in the evening, I found his respiration painful and laborious, and it seemed as if his life were struggling to retain its dominion in every breath. A torpor had seized upon his consciousness, but his attention could be roused to particular persons or objects. Placing my hand upon his shoulders and gently shaking him, I asked him if he knew me. After a second he replied, "It is the judge"; and, after another short pause, he added, "Mrs. Carpenter and I have been talking of coming over to see you"; and then, as if his old spirit of humor and merriment had returned, he said, "Judge, I want to make a motion"; to which I replied, that his motion was granted without argument.

An hour or two after midnight I was again by his bedside. He was still weaker than before, and the vital forces were yielding slowly and surely to the impending catastrophe. The last indication of consciousness occurred shortly before day-break, when he slowly turned his head toward Mrs. Carpenter and his daughter. It was his last effort at recognition, and he then closed his eyes, never again to behold his loved ones on earth. At this time there were present his wife, his daughter and son. Dr. Fox, who had traveled night and day from Milwaukee, and who supplemented science with friendship and love, was also present, as was the Hon. Charles G. Williams. As the members of his own family sat by the death-bed of him they loved so dearly, it seemed to me the most beautiful, the most sad and touching tableau I had ever witnessed. At length daylight broke through the crevices of the curtains, the sun came forth in unclouded splendor, and the atmos-

phere was balmy as in the early days of spring. It was full of the elixir of life, but brought no relief to our friend. Leading Mrs. Carpenter to the window, I asked her if she could remember the dying expressions of the great Mirabeau, whom her husband so much resembled in his powers of persuasion. "Open the windows," he exclaimed. "Throw aside the curtains and let the sunshine fill the apartment, and bathe me in its beams, and let the incense of the garden reach my senses, for I would die amidst the perfume of its flowers." But how different is this scene in one respect, for the great Frenchman, though he feared not death, believed it to be an eternal sleep. But your gifted husband, although so largely absorbed in the activities of life, and although taking such large share in public business, had a strong and fruitful religious vein in his nature, and believed that death, instead of being our final destiny, was but the entrance to a higher and truer life.

At about nine o'clock Dr. Fox called me suddenly to the bedside. The breathing had almost ceased, the quick respiration had entirely gone, the breath came at long intervals, and the attendant clergyman began reading the solemn service of the church for the dying. The physician kept his hand upon the heart to mark the ebbing tide of life; I looked at the doctor after each spasm, and the reply was, "Not yet." At last came a pause, long and endless; the physician withdrew his hand, and CARPENTER was dead.

I give these particulars that you might have them from an eyewitness, and may be able to appreciate the last moments of one who was your friend and our friend. Indeed, I do not know of a human being who ever knew Senator CARPENTER that will not feel that they have lost a friend and almost a member of their own household.

It is not my purpose to dwell at present upon what constituted the mental power and greatness of this remarkable man. It has been my good fortune to have known, on terms of personal inti-

macy, many of the men who have become historic in our country. Among them Rufus Choate, Daniel Webster, Judge Curtis, and many others of the same generation and almost equal in reputation. Without entering upon the questionable field of personal comparison, I think I am justified in saying that CARPENTER would have been distinguished even among the distinguished. His quickness of perception was amazing, but he had one quality in a higher degree than I have ever observed in any one that I have known, and that was his wonderful power of rallying all his mental faculties and all his acquirements and knowledge instantaneously, upon sudden emergencies, and accomplishing off-hand work that would have required study and reflection in any other man. It was this power which enabled him at once to seize upon the sensitive point of a controversy, and to make that which was complicated and difficult clear and obvious to the comprehension of those he addressed or wished to persuade. He had another peculiarity, less known to the public, but which constituted one of the greatest elements in his success as a lawyer, and that was his skill in cross-examination of witnesses. Lord Brougham's cross-examination of the Italian witness in the House of Lords, upon the trial of Queen Caroline, has always been regarded as one of the greatest masterpieces in the history of English state trials. But I am quite sure that I have witnessed an instance of the same kind, upon the Ottman trial, in this District, for the Treasury robbery, in which for two days Senator CARPENTER conducted the cross-examination of an accomplice used as a witness by the government. The wonderful fertility of interrogation that was baffled by no evasion, and the patience with which he listened to tedious details and utilized them by dexterous turns of expression and quick and unexpected questions, presented his wonderful skill and resources in a way which I have never seen approached. In two other instances I have known him, by the mere force of probing the conscience and throwing the witnesses off their

guard, to trace the crimes of forgery and perjury to the witnesses themselves, in so clear a manner as to end the prosecution and save his clients.

I need not refer to his brilliant career in the Senate; that much is recorded and history will preserve it. Although engaged as extensively as any of his brother Senators in the debates and discussions of that high assembly, no harshness was mingled with his eloquence, nor has he left the sting of bitter invective to rankle in a single bosom. His generous nature and liberal hand made all who knew him, friends, and all who are intimate with him, lovers.

But, as I have already observed, I do not design to speak of his intellectual qualities or to enlarge upon his professional career. That duty will be performed by others, on an occasion more suited to the subject than the present. We have come together to express our love; we stand by his grave and drop the tear of sensibility; the eloquent lip is sealed in eternal silence. The dull, cold ear of Death vibrates not to our affectionate solicitude. With reverent care and with tears and prayers we resign him to the merciful Father of us all.

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